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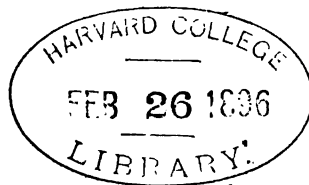
1699—1750

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P R E F A C E.

IT has been decided by the Editorial Committee of the Club that these papers, selected from a number of historical manuscripts and other documents which I have obtained for the use of the Club, should form an issue by themselves, and I have undertaken, with a considerable feeling of responsibility, the task of editing them.

The period to which they relate, beginning in 1699, and extending over the Jacobite risings of 1715 and 1745, embraces some of the most interesting events in Scottish history; and, though much has been written bearing on what took place in the first half of the 18th century, it is hoped that the documents now published will throw some additional light upon the social condition and disturbed state of Scotland, especially in the Northern and North-Eastern Districts, during that eventful time.

It has been considered advisable to print the papers as far as possible in chronological order, irrespective of the sources from which the documents have been obtained, so that the progress of events may be more clearly traced, and whatever historical importance the papers possess, may be more fully realized.

It is hoped that the illustrations which have been obtained for the volume will add to its interest; and I desire to acknowledge the great assistance, so readily and courteously given, which I have received in this matter. The portrait of Lord Lewis Gordon was kindly lent for reproduction by the Duke of Richmond and Gordon from the collection at Gordon Castle, while the Earl of Erroll, with similar kindness, allowed various engravings in his possession, connected with the rising of '45,

and with the fate of the unfortunate Lord Kilmarnock, to be reproduced. Miss Skene has most kindly furnished a copy of the likeness of her ancestor, James Moir of Stoneywood, while the representation of the Banner carried by "Old Glenbucket's" Regiment, both in the '15 and the '45, furnished by a descendant of the Gordons of Glenbucket, cannot fail to be of interest. Other illustrations have been most kindly placed at my disposal, and to all who have aided in this important help to the volume, and whose names are mentioned in connection with the illustrations, not only are my own thanks due, but the thanks of all the members of the Club.

J. A.

CULQUOICH, *October, 1895.*

INTRODUCTION TO VOL. I.

THE first six papers have been obtained from Lord Forbes' Collection, and illustrate the lawlessness and insecurity of the period they embrace.

Previous to the time to which these papers relate the countries bordering on the Highlands had for long been the hunting grounds of freebooters and robbers, who dwelt among the hills, and who, after their forays into the plains, returned to their fastnesses with their plunder.

In their Highland glens the raiders were secure; none of the inhabitants of the plains dared to pursue them thither, and although some of these could purchase security by the payment of black-mail, to most of them the insecurity of life and property was such, that they lived in a state of terror day and night, not knowing but that at any moment a raid might be made on the homestead. This state of matters lasted for some time after the rising of '45.

The Government had on many occasions endeavoured to remedy the evil, which had become intolerable. As an instance it appears that, on the 15th July, 1672, Alexander Farquharson of Invercauld was summoned before the Privy Council of Scotland, as described in the following document, and was required to execute a "Bond to the Peace," whereby he bound himself, his heirs, executors, and successors, under a penalty, for the good behaviour not only of his "hail tenants, servants and indwellers," but of "all persons of his name, descended of his family, wheresoever they dwell."

This was acknowledging in the fullest sense the feudal superiority of the heads of clans, but as it was impossible to have the measure carried out, without pressure being put upon the vassals who resided at a distance, it was enacted that these vassals should execute "Bonds of Relief" to their superiors, guaranteeing for themselves and their dependants, what was required from the chief.

The following are the Bonds referred to, and are good examples of those exacted from heads of clans, and from their relatives and vassals, who resided at some distance from the abode of the chief:—

Bond to the Peace by Alexander Farquharson of Invercauld To the Privy Council of Scotland for himself and his Clan, 1672.

Charles, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, To our Lovites.

Messengers our Sheriffs in that part conjunctly and severally specially constitute, Greeting, For as much as Alexander Farquharson of Invercauld and Wardhouse being called before the Lords of our Privy Council to give Bond for the peace of the Highlands, He as Principal, and with him Archibald Reid of Edindurno as Cautioner for him, Band and obliged themselves, Heirs, Exec^{rs}., and successors, That the said Alexander Farquharson, his hail Tenants, Servants, and Indwellers upon his Lands, Rooms, and Possessions, As also That those persons of his name, decended of his Family, wheresoever they dwell, shall commit no murder, deforcement of Messengers, ryfe, thift, receipt of Thift, open and avowed fire-raising upon Deadly Feuds, or any other Deeds contraree to the acts of Parliament, under the penalty of Three thousand Merks, besides redressing and repairing of all parties scattered, and farder, that he shall exhibit and produce before the Council or Justices any of his own Tenants, servants, indwellers upon his Lands, or any person of his name descended of his family, whenever he shall be called or lawfully cited to that effect, under the pain foresaid, and for the said Alexander Farquharson his relief, The Lords of our Privy Council be an Act of the date of thir presents

have ordained their own letters to be direct against the several persons for whom he stands obliged to grant him Bond of Redress within fifteen days after they shall be charged, provided the sum to be contained in the said Bonds of Relief do not exceed the sum contained in the said principal Bond, and in case any of the said persons refuse to give the said Bonds of Relief within the said space, orders and Warrants granted for apprehending and securing their persons in manner after specified as the said Act of the date foresaid at more length propoerts. Our Will is therefore and We charge you strictly and command that incontinent thir our letters seen ye pass, and in our name and authority command and charge All and Sundry the said Alexander Farquharson of Wardhouse, his hail Tenants, servants, and Indwellers upon his Lands, Rooms, and possessions, As also the hail persons of his name descended of his family, wheresoever they dwell, to grant, subscribe, and deliver to the said Alexander Farquharson Bonds of Relief of the tenure and nature foresaid, Provided that the sums therein to be contained exceed not the sum foresaid contained in the said Alexander Farquharson his own Bond, After the form and tenor of the foresaid Act in all points, within fifteen days next after they be charged be you, and in case the saids persons, or any of them, should refuse to grant the said Bond of Relief within the space foresaid, We, with the advice of our Lords of the Privy Council, Doe hereby give full power and authority to the said Alexander Farquharson to apprehend and imprison their persons in the next convenient prison, until they give obedience, and ordains all Sheriffs, Stewards, Magistrates, Messengers-at-arms, and others in authority, to give their concurrence and assistance to the execution thereof, According to Justice, as ye will answer to us thereupon. The which to do we committ to you conjunctly and severally full power by thir our Letters, delivering them by you duly execute and indorsed again to the Bearer. Given under Signet at Holy Rood House, the fifteenth day of July, and of our Reign the Twenty-fourth year, 1672.

Per Actum Dom^m. Decreti Concilii.

(Signed) THOMAS HAY.

*Bond of Relief to Robert Farquharson of Invercauld by Donald Farquharson
of Balfour, son to Alexander Farquharson of Finzean, by authority of
the Bond to the Peace given by Invercauld to the Privy Council.*

BE it kend till all men by thir presents, me, Donald Farquharson of Balfour, for swa mikle as be divers laws and acts of Parliament made for suppressing of Theft, receipt of Theft, and other crymes which were more ordinary committed in the Highlands, It is statute and ordained that Landlords and their Baillies, the Heads and Cheftans of Clans, should find caution for their Vassalls, their Tenants, Servants, and Indwellers upon their Lands, Roums, and possessions. Likeas by said Acts of Council, It is statute and appointed that Branches of Clans and Heads of Families sall likeways find caution for their hail men, Tenants and servants, and the hail persons of their names decended of their families, and seeing the said Donald Farquharson is most willing, as master of the Tenants underwritten, to secure both for himself and his Tenants and servants, Therefore witt ye me, the said Donald Farquharson, to be bound and obliged, likeas I bind and oblige me, my Heirs, Exec^{rs}, and successors whatsoever, that I myself, ye persons underwritten, my Tenants, viz., John and James Watts, James Gordon, John Macandie alias Riach, and John Corbat, all labourers of the ground, That I myself nor none of them sall committ no murder nor deforcement of Messengers, reaff, theft, receipt of theft, open and avowed, upon Deadly feuds, depredations or any other Deed contrair to the Acts of Parliament, under the Ffallie of Two hundred pounds Scots money, besides the redressing and repairing of all Parties scaithed, and farder, that we sall exhibit and produce before his Majesty's Council or the Honble. Commissioners of Justiciary within the district of the Shire of Aberdeen any of the said persons who sall happen to contravene and transgress and committ the foresaid Crymes, or any one or other of them, whensoever we sall be called or lawfully cited for that effect, under the Penalty foresaid, consenting their presents be insert and registrat in the Books of Privy Council, to have the strength of an Decreet thereof interponed thereto, that Letters of Horning and others needful may be direct upon one single charge of Ten days allenarly an Constitute.

Our Lawful Pro^{cs}. In Witness whereof, written by David Ferguson, Writer in Edinburgh, I have subscribed their Presents at Braickly, the thirtieth of July, one thousand six hundred and eighty-three years, before witnesses, John Gordon of Braickly and the said David Ferguson.

(Signed) JOHN GORDON, Witness.

(Signed) D. FARQRSON.

(Signed) DA. FERGUSON, Witness.

Another plan devised by the Privy Council was to pass an Act by which all tenants should be bound by their leases to live peaceably. The following is a copy of the enactment which it was endeavoured to have put in force. It need scarcely be added that this attempted remedy had as little effect as the others that had been tried before :—

Act ordaining that tennents be obleidged by thir tacks to live regularly (1686).

OUR Sovereigne Lord, w^t advise and consent of the States conveyened in parliament, did statute and ordain that all masters, whither heritors, liferenters, proper wodsetters, Tutors, Tacksmen, donators of wards or liferents, shall in all tyme coming insert in all tacks to be sett by them to ther tennents, als weell in Burgh as Landward, ane express clause qrby the tennent shall obleidge himself that he, his familie, cottars and servants, shall live peaceablie and regularly, free of all fanaticall disorders, under the pain of the tennent, cottar, or servant contraveening ther lossing of the half of ther moveables, respective each for the own fault, and qr. ther is no written tack yt all the tennents shall inact themselves in ther master's court book, or in the toune's court books within burghs, or give bond to yt effect, And in the tenor fors^d, which enrolment of court is to be subscribed by the tennent, or, if he cannot write, by the clerk of the said court in his name, and if the master or anie of the persons fors^d. shall faill herein, they shall pay ane yeare's rent of the lands sett, otherwayes a third part gross to the discoverer if he prove the same, and tuo parts to the king's majestie, and all masters and others who have lands alreadie sett in tack without the said clauses, are heirby ordained to renew

the samen, and insert the said clause in them betwixt and Whytsunday, 1686, or to take obleidgement apart from the tennent bearing these clauses, otherwayes to remove sumarly such tennents as refuse to accept of the said conditions, notwithstanding of anie former tacks, qch in this caice are heirby declaired to be void and null, and in caice the tennents will not immediatly remove, that ther master may committ them to prisone. And it is heirby statute and ordained that if anie tennent shall refuse to accept of tacks, or to enact himselfe, or give bond as said is in the termes forsd^d, he shall be lyable to pay to his master ane yeare's rent of the lands sett to him, and this bot prejudice or derogatione of all former acts of parliament qrbv masters are obleidged for their tennents in manner qrin specified.

The extent to which the wholesale plundering was carried will be seen from the following statement, selected from several others, shewing the damage done to certain farms on one part of Lord Forbes' lands not far from the hills in the upper part of Aberdeenshire—in the years 1689-90. These farms must have been completely harried. The values in Scots money of farm plenishing two hundred years ago will not be without interest :—

Account of loss, My Lord Forbes lands sustained by the Robberies and depredations of the Highlanders, Anno [16]89 and [16]90.

LOGIE.

Imprimis, Taken from George Ronald and John Mitchell
there—eightie wedders, worth three merks 6s. 8d. the
piece is £186 13 4

EDINBANCHRIE.

From John Mitchell, 8 drawing oxen, at 20 libs. the piece is	160	0	0
Item, five cowes, at twentie merks the piece 	66	13	4
Item, two horses, at twentie merks the piece is 	26	13	4
From William Christy, yr., 3 oxen at 20 lib. the piece is ...	60	0	0
Item, a cow, at 14 lib. is 	14	0	0
Item, an horse and a mare, at twentie pounds the piece is	40	0	0

INTRODUCTION.

xv.

From George Mitchell, 5 oxen, at twentie pounds a piece is	£100	0	0
Item, two Cowes, a Stote, at twelve libs. a piece is	...	36	0 0
From John Morgan, yr., 3 oxen, at 20 libs. a piece is	...	60	0 0
Item, a Cow, at twentie merks is	...	13	6 8
Item, two horses, worth twentie-five merks the piece is	...	32	6 4
From George Gardner there, three oxen, at 20 libs. the piece is	...	60	0 0
Item, a Cow, at 12 lib. is	...	12	0 0
From Thomas Angus, two ox, at twentie lib. is	...	20	0 0
Item, two cowes, at 12 libs. a piece is	...	24	0 0
From Wm. Mar, an ox, at 20 libs. is	...	20	0 0
From James William, two oxen, at twentie liba. the piece is	...	40	0 0
From John Mitchell, at the Milne, an horse, at 40 lib.	...	40	0 0
Item, a mare, at twentie libs.	...	20	0 0
George Mitchell, Witness.	Summa is	£839	6 8

MARCHMARRE.

From John Duncan, yr., were taken sixtie wedders, worth			
3 merk 6s. 8d. is	...	£140	0 0
Item, 30 ewes, at two pound the piece is	...	60	0 0
Item, 30 outarme sheep, at two merks the piece	...	40	0 0
Item, 3 horses, at twentie pounds a piece is	...	60	0 0
Item, 8 drawing oxen, at twentie-four libs. a piece is	...	192	0 0
Item, 4 kine, at 14 libs. the piece is	...	56	0 0
Item, 5 young Cowes and steirs at 8 libs. the piece is	...	40	0 0
		£588	0 0

In testimony qrof. the sd. John Duncane hath subscribed the sam, and given his oath befor witnesses and George Ronald in the parish of Kerin and Auchindoe. George Mitchell, George Mitchel, witnes. John Duncane, George Ronald, witnes.

WESTHILLS.

From the Relict of James Gardner, ten drawing oxen, worth			
22 libs. a piece	...	£220	0 0
Item, eight Cowes, at twentie merks the piece is	...	106	13 4

Item, eight Coyes and steirs, at eight pounds the piece is	£64	0	0
Item, a young ox, at twentie merks is	13	6	8
Item, seven horses, at twentie libs. the piece is	140	0	0
Item, an hundredth weatheris, at three merks and an halfe the piece	233	6	8
Item, eightie ewes, at fourtie shilling the piece is ...	160	0	0
Summa is	£937	6	8

WINDSEYE.

From Patrick Leith, yr., sixtie weathers at 3 merks and an half ye piece	£140	0	0
From Wm. Black in Cushney, an hundreth weatheris at the same rate	£233	6	8
Item, fiftie ewes at fourtie s. the piece is	100	0	0
Summa is	£333	6	8

From George Ronald in Logie, the 14th of September, Anno
—90, were taken twelve score of weatheris by John
Stewart and his complices in Strathdownen, valued at ... £533 6 8

Summa totalis of the within-written Tennants, in the several
soumes, ye losses.

Logie	£186	13	4
Edinbanchrie	839	6	8
Marchmarre	588	0	0
Westhills	937	6	8
Windseye	140	0	0
Cushney	333	6	8
Logie	533	6	8
Item of cloaths and houshold plinishing, estimate to	300	0	0
Summa sumarum	£3858	0	0

A list of the men's names who were at the robbing of the goods of Edinbanchorie and the rest of the townes, in the year 1690, Westhills and Marchmarr.

John Farquersone in Dilavarar, now in Delnabo.
 John Mcklachlan in Dilavarar.
 Alaster Grant in Bellabegg, now in Dillevarar, but residing at the Coine.
 John Meldrum in Capack in Tirriesoules land.
 Donald Meldrum, yr., both invercaldes men, now in Tirrisoule.
 William Crookeshanke in Dillavarar.
 Alaister Shaw in Delnafast, Mckintosh men and the tenants belonging to him as
 Callim Breake Mackilachlan or Mckleuchlin.
 Mckalaster Guone in Badenoch.
 Donald Gow in Kincardine, yr., in the dukes land, now in Grants, who lied the men.
 John Mckrobie, yr., in Kincardine.
 John Mckean Mckalaster, yr.
 John Mckean heilin, yr.
 John Shaw, yr., Rothemurkus men.
 John Mckolimore, good wifes of Lurgas men in Abernethe.
 Donald Stewart and Lachlan Mckintoshe in the braes of Strathdone.
 James Madrinach in Dilavarar.
 Alaster Madrinach, his broyr., yr.

Witnesses to prove.

John Farquersone in Dilavarar.
 John Mcklachlan, yr.
 Alaster Grant in Bellabegge.
 John Forbes of Inverearnen, Balize to the Earle of Marr.
 William Elphingstonne in Bellabegge.
 Alexr. Forbes of Invernochtty.
 James Murach alias Gordone at Tamanwale.
 Barron of Kilmaichly and his tenants.
 Angus Robersonne in Bellendin.
 William Con in Fodderletter.

These papers disclose a state of lawlessness and terror which can now hardly be conceived. They furnish a graphic description of a well-organised raid on a very extensive scale—a very different affair from the ordinary thefts and plunderings which were of constant occurrence in these troublous times.

What seems to have taken place was this. The Lord Forbes had been prominently active in endeavouring to repress the lawlessness of such depredators, and various measures had been adopted at his instigation by the Privy Council. The ringleaders of this raid evidently planned a descent upon Lord Forbes' lands, with the double purpose of securing booty, and inflicting injury upon his Lordship for the part he had taken to put down such depredations. A party from Speyside, under one Donald Gow from Badenoch, "who led the men," joined by well-known robbers from the Braes of Abernethie, combined to make a descent upon that portion of his Lordship's lands which lay nearest to the Highland line of Aberdeenshire. The details given show that they must have made a clean sweep of everything they could drive away. They would appear to have driven their booty home by the Strathdon route, probably the more easy one for the quantity of cattle and sheep they had with them, and on reaching Strathdon they seem to have been intercepted by John Forbes of Inverernan (Baillie to the Earl of Mar, Secretary of State for Scotland, from whom Lord Forbes held his commission as one of the Privy Council for Scotland). Inverernan must have got his neighbours, Elphinstone of Bellabeg, Forbes of Invernochty, and others mentioned in the "List of witnesses to prove," to join him and intercept the robbers. What took place can only be conjectured, but it is clear that great pressure must have been exerted, for several of those who were at "the robbing of the goods" turned King's evidence, while others did not care to return to their old haunts, but preferred to shift their quarters to other places, or possibly

go into hiding, to escape from the vengeance of those they had deserted.

Paper No. I. contains the suggestions of a Committee nominated for considering the best means of ensuring the peace of the Highlands. The following particulars regarding the members composing this Committee show their respective positions, and the offices held by them :—

1. Viscount of Tarbert was Sir George Mackenzie of Tarbert, born 1630, succeeded his father (Sir John) in the baronetcy in 1654, was appointed a Lord of Session as Lord Tarbert in 1661. Having in 1662 joined in an intrigue against Lord Lauderdale, he was in 1664 deprived of his seat on the Bench, but subsequently, on being reconciled with Lauderdale, he was in 1678 appointed Lord Justice General of Scotland, and in the following year he was made a Privy Councillor. He became Lord Clerk Register in 1681, and was reinstated as a Lord of Session. In 1685 he was created Viscount Tarbert, and at that time had the chief management of Scottish affairs. On the accession of Queen Anne he was created Earl of Cromarty. He died in 1714.

2. The Lord Forbes mentioned was William, the twelfth Lord. He was made a Privy Councillor in 1689; Colonel of the Horse Guards in 1702; was a supporter of the Union, and in 1715 was appointed Lord Lieutenant of the counties of Aberdeen and Kincardine. He died in July, 1716.

3. Lord Aberurchill was Colin Campbell, son of James Campbell of Aberuchill, in Perthshire, who fell at the battle of Worcester. He was Sheriff-Depute of Argyllshire in 1668; was created a Baronet of Nova Scotia, 1667-68; and acquired the Barony and Castle of Kilbryde in 1669. He was appointed an Ordinary Lord of Session as Lord Aberuchill (or Aberurchill) in 1689, and became Lord of Justiciary in 1690, being made a Privy Councillor at the same time. At the date of this Committee he was member for the county of Perth, which he

represented from 1690 till the close of that Parliament, the first of William and Mary, and which ended in 1702. He was twice married—his second wife was Catherine, daughter of Sir John Mackenzie of Tarbert, Bart.—he was therefore brother-in-law of Viscount Tarbert, Preses of the Committee. He died 16th February, 1704.

Papers Nos. II. and III. On 3rd April, 1699, the Privy Council passed a Minute relative to the appointment of a Committee for considering a letter from the Commissioners of Justiciary regarding the peace of the Highlands, with which had been sent a "band" to be subscribed by the Highland heritors. The remit to the Committee was as follows:—
"to consider the said letter and band of cautionrie, and to
"compare the coppie of the band now sent with former bands
"granted be the heretors in the Highlands, and to draw up a
"band to be subscryved be the saids heretors in the precise
"terms of law, and to return a draught of the band so to be
"prepared be the Committee so soon as it is ready with an answer
"to my lord Chancellor's letter to the saids Commissioners."

No copy of original "band" can be found, but the Protest No. II. shows that it was a most unpopular enactment with some of the chief men of clans, who adduce very lengthy reasons why, in the face of obligations required of them by previous Acts, it ought not to be enforced. Paper No. III., A. B. and C., gives the lists of their men for whom the heritors named became responsible.

These lists are of interest in this respect. They show that there were residing on the larger estates a number of persons whose names do not appear in the Poll Book of Aberdeenshire, made up in 1696, only three years previous to the taking of these bonds. The lists contain many more names than the holdings on some of the estates would justify, and we are therefore driven to the conclusion that many of these names represent

persons of no occupation, most likely "sorners," hangers on to the chief or laird, living on what they could get, and ready at any moment to join in any expedition, be it a hunting party, to share in the proceeds, or a raid, to share in the plunder. These were generally known as "loose men," or "masterful beggars," and were the scourge of the country. No wonder that bonds for the good behaviour of such men were demanded from those who had any control over them.

Paper No. IV. The laird of Auchintoul, to whom this commission was issued, was Arthur Forbes, second son of William, 11th Lord Forbes, who died in 1691, and brother of the 12th Lord, who issued the commission. Arthur Forbes was placed in possession of the estate of Auchintoul, in the parish of Alford, by his father, by deed dated at Castle Forbes 10th Oct., 1678, in which he is described as "Arthour Forbes my second Lawfull son," and gets the land "in satisfaction of the bairnes part of gear." In a "list of poleable persons within the parioshes of Alfoord, Touch, Leochell Cushney, Keig, Tullynessle, fforbes, Keirn, Clatt, and Kinnethmont, taken up be Auchintoule and Balfuig, Commissioners appointed for that effect, which met at Alfoord the 13th November, 1699," the following entry occurs:—"Arthur fforbes of Auchintoule, as sone to the deceast Lord fforbes, that being the highest capacitie inde of pole 24. 00. 0."

Paper No. V. It is shown by the two bonds forming this paper that the measures ordered by the Privy Council, as described in the foregoing documents, had had no effect whatever in putting a stop to the constant plunderings that were taking place. There were, at the time, no means of carrying out any orders, or of enforcing any restraint or discipline upon the many "loose men" scattered over the Highlands.

A number of Aberdeenshire heritors possessing lands in the neighbourhood of the Highlands, whence gangs of robbers were

perpetually issuing on raiding expeditions, at last determined to take some measures on their own account to try to put a stop to the mischief that was being done—especially by one notorious gang. They therefore met together at a certain spot, and, after mature deliberation, they agreed to subscribe a sum of money to furnish rewards to whoever should apprehend the most notorious of these robbers. These heritors voluntarily assessed themselves, agreeing to pay a certain percentage on their valued rent, to provide the funds necessary for this purpose, and they appointed certain of their own number to have their resolutions carried out. One of these bonds, to which all the signatures of those present were appended, it has been considered suitable to reproduce in facsimile.

Paper No. VI. refers to the apprehension and trial of Alaster Mor, the ringleader of the gang, for whose capture a special reward was offered, as described above. The apprehension of this notorious robber (which, however, was not effected solely by the nominees of the heritors described in the previous paper) was looked upon by the Commissioners of Justiciary as “a very special deliverance.”

Papers Nos. VII. and IX. contain Extracts from the Burgh Records of Aberdeen relative to the transactions that took place during the rising of 1715. The introduction to this part of the collection has been contributed by Mr. A. M. Munro, through whose assistance the records have been obtained :—

THE RISING OF 1715.

Although the material for a sketch of the burgh in 1715, and its connection with the rising of that year, is by no means so voluminous as that referring to the '45, yet what is available when pieced together gives a pretty accurate idea of the sequence of events during this important period.

The three letters printed on pp. 28, 29, give perhaps the earliest indication of the state of feeling in the North. On the 3rd August, 1714, the Magistrates received from the Earl of Ilay, Lord Justice General, a communication intimating the dangerous state of Her Majesty's health, and while requesting the Magistrates to have a care for the public peace, he at the same time invited them to indicate to him anything which they thought likely to disturb the same. Queen Anne died on 1st August, but though the news reached Aberdeen shortly after the receipt of the Justice General's letter, no official notice of the Queen's death had been received by the authorities up to the 10th August, nor had any instructions been given for proclaiming the King. This delay had evidently a very disquieting effect in the burgh and neighbourhood, for while the Magistrates attributed the delay to the fact that the express had been intercepted, there were others who were willing to believe that some hitch had occurred in the accession of the new King. So much is, however, clear, that the non-proclaiming of the King with the customary ceremonies had a bad effect upon a section of the community, and was a cause of anxiety to those charged with the preservation of the public peace.

The Magistrates embodied these ideas in a letter to the Lord Justice General, dated the 10th August, and, as fully justifying them in their observations, a disturbance broke out in the town that very evening. It is true the disturbance was of such a nature to be scarcely worthy of notice, yet in the peculiar circumstances the slightest indications in favour of the exiled house were sure to be magnified. In the early hours of the morning, between the 10th and 11th of August, some young men, accompanied by several of the other sex, marched through the streets, headed by two fiddlers playing tunes, one of which is specially marked out as highly treasonable—"Let the King enjoy his own again." Coming to the Castlegate this roystering

company assembled round the well, which now stands in the Green, and for want of better vessels took water in their hats and "drank the Pretender King James his health." Word of the actings of this company seems to have reached the Government in London from other than official sources, and the Magistrates were called upon to give an account of the affair. The Earl of Mar wrote on the 21st August asking for full particulars, and the Lord Justice Clerk also made a request for an account of the occurrence, and they each seem to be particularly anxious to know whether there was a regular proclamation. The Magistrates, writing on the 30th August, say that they suspect a proclamation but could get no account of it, and four days later they forwarded the depositions of all the persons they could get who knew anything of the proceedings. These depositions would have been interesting, but no copy seems to have been preserved, and nothing further is heard regarding the incident. The foregoing escapade was one only of many such which must have taken place in other places, and to which Burton * refers when he says—"It became frequent with these noisy bacchanalians, when their convivial parties were sufficiently large, to sally forth into the streets at midnight, and proclaim King James VIII., a practice which sorely vexed the sober and sleepy Whig burgesses, but in itself augured little danger."

Curiously enough a year later, on the same date when the Lord Justice General penned his letter to the Magistrates intimating the state of the Queen's health, the Council, on the report that "the Highlanders were in some motion and lyke to ryse," held a meeting and resolved to put the town into the best possible condition to resist attack. Instructions were at the same time given to Provost Robert Stewart to purchase at once guns and bayonets for arming the burgesses, while the dean of

* History of Scotland, viii., 251.

guild was authorised to grant bills to various merchants in the burgh for over thirty hundred weight of gunpowder. The information on which the Council acted was perfectly correct, for on 6th September, 1715, the standard of the Pretender was raised at Braemar.

Notwithstanding the precautions taken by the Council, no opposition seems to have been offered to the Earl Marischal, who entered the burgh on the 20th September with several gentlemen and burgesses for the purpose of proclaiming King James VIII. at the cross. Patrick Sandilands, the Depute Sheriff, read the proclamation, and that night the town was highly illuminated, while the bells in S. Nicholas tower sent forth a joyful peal for the accession of the new King. A contemporary record* significantly adds that "those who would not obey—rabbled." From this date the burgh may be said to have been in the hands of the Jacobites. On the day following the proclamation Marischal and his company were entertained with the greatest hospitality by the members of the Incorporated Trades, who the same afternoon followed the Marischal to his seat at Inverugie. Although the professors of both colleges and the trades countenanced the Jacobites, the Magistrates as a body were loyal to the Government, and were determined not to allow the power to drift out of their hands without making an effort to prevent it. Their endeavours, however, came to nothing, for while they were sitting in council a mob which had gathered at Mistress Hepburn's house broke in upon their deliberations and demanded the arms and ammunition belonging to the town, as well as the keys of the blockhouse or fort at the harbour mouth. The loyal part of the community being evidently in the minority, or at least less aggressive than the rebels, the latter got their way, and the command of the burgh fell into their hands. The date for the annual election of the

* "A Short Memorandum of what hath occurred since 20th September, 1715." Edin., 1837.

Council was approaching, and two days prior to the election day, the 28th September, Marischal returned to the town, and arrangements were at once made for the election of a Jacobite Council. When the legal day for the election came the old Council did not appear, holding that no valid election could take place, as the trades, who formed part of the electorate, were in rebellion. On the following day, in the New Church of S. Nicholas, without the customary formalities, a head court of the burgh was held, and a form of election gone through. The respective persons nominated by the Earl Marischal were duly installed into the various offices, under Patrick Bannerman as provost, and the last formality completed for holding the burgh in the name of James VIII.

The usual "kirkin" of the new Council took place in the Old or West Church, where the King's loft was, on the 2nd October, and, as provision had been made to have well disposed ministers in the pulpit, the proceedings passed off without disturbance. It had been at first resolved that the presbyterian ministers should not have the use of any of the churches, but better councils prevailed, and the New or East Church was given them for their service. In the Old Church the services were conducted in the forenoon by Dr. George Garden, and in the afternoon by the Rev. Robert Blair, who both prayed for King James by name.

The following week was a very busy one, for the new Council entertained in great style the Marquis of Huntly on his passing through the town towards Perth, and there were great rejoicings subsequently on the arrival of a French ship in the harbour, bringing a commission from James in favour of the Earl Marischal.

Among the early acts of the new Council, under the orders of Mar, were the supplying of 300 Lochaber axes for the army, the imposition of a tax of £200 10s. 9d. for supplies, the

transporting of the press and types belonging to James Nicol, the town's printer, to Perth, and, under the guise of a loan, the requisition for the sum of £2000 sterling, the first instalment of £500 being instantly demanded.

In the beginning of 1716 the Council attempted to raise a troop of thirty horse for "furthering of his Majesties service," but in this they were unsuccessful, although they held out the inducement of making those who joined burgesses of guild and trade, free of the usual compositions.

James landed at Peterhead on the 22nd December, 1715, and passed through Aberdeen on the following day to Fetteresso. It is recorded that he only stayed in the burgh long enough to have dinner in Skipper Scot's house in the Castlegate, and that the strictest *incognito* was preserved. During his stay at Fetteresso, which extended over a day or two, the Magistrates and the Professors of King's and Marischal Colleges presented him with loyal addresses, and on this occasion the provost, Patrick Bannerman, received the honour of knighthood, a title which he kept in use till his death in 1733.

The Prince had scarcely reached Perth, on which the rebels had retired after Sheriffmuir, when his army began to retreat northwards by Dundee, Arbroath and Montrose. At this latter place the Chevalier embarked for France under cover that he was going by sea to Aberdeen, where he would again join the army, but before they reached Stonehaven the news had spread that no stand was to be made, and that the army had been abandoned to its fate. The consternation was general,* and, with Argyle close behind in pursuit, the rebels made a forced march to Aberdeen. Here a council of war was held of the general officers and Highland chiefs, when it was resolved to hazard a battle if the Marquis of Huntly was willing to join them, but in this they were disappointed, and so among the

* Memoirs of Marshal Keith, p. 30.

fastnesses of Badenoch the rebel army disbanded, and the Rebellion of 1715 was over. Within the town the Jacobite Council was also deposed, after a brief rule of five months, and the provost, carried prisoner to Carlisle, had a narrow escape with his life for the part he had taken with the rebels.

An Act of the Privy Council was passed providing for the election of a new Council, and on 10th April, 1716, the ordinary procedure was gone through, and a Council elected to serve until the ensuing Michaelmas. Among one of the first acts of this Council was the presentation of an address to the King, which overflows with loyalty and dutifulness to "the Protestant succession as settled by law."

A couple of minutes rescinding the acts of the Jacobite Council, and ordering the deletion of the names of those made burgesses between the 30th September, 1715, and the 25th January, 1716, closes the references to the Rebellion of 1715 in the Council Register. The number of burgesses made by the Jacobite Council during the period mentioned was ninety-four, among whom were William Meston, Professor of Philosophy in Marischal College (30th September); Lord Edward Drummond, son of the Duke of Perth (5th December); Gordon of Glenbucket (13th January); and the Earl of Aboyne (21st Dec.).

The most outstanding feature of the rising of 1715, so far as regards Aberdeen and Aberdeenshire, was the number of persons in position who took part in it, or whose sympathies went out towards those who took an active part in the unsuccessful endeavour to place the Stuarts once more on the throne of their ancestors.

Paper No. VIII., being Extracts from the proceedings of the Synod of Moray, 1714-16, has been contributed by the Rev. Stephen Ree, Minister of Boharm—they contain addresses to the King from the Synod upon the events of the time, and describe how the various Presbyteries of the Synod were affected towards His Majesty.

Paper No. X., being the proof of several persons having been forced to the rebellion, 1715, by the Earl of Mar, has been obtained from the Cushny charter chest, and bears out what has always been understood, viz., that many of those who joined in the risings of '15 and '45 were not free agents, but were compelled under extreme pressure to obey the orders of their feudal lords; many of them, but for these orders, would no doubt have remained at home.

Paper No. XI. This petition to the King from Alexander Gordon, younger, of Auchlyne, is from Lord Forbes' collection. It is a specimen of a great number of petitions which were presented after the rising of 1715, in the hope of gaining something from the Government, by those who had preserved neutrality, or at least had taken no prominent part on the other side during the disturbances.

Paper XII. The following introduction to the Extracts from the Presbytery Records of Alford has been contributed by the Rev. Thomas Bell of Keig, Presbytery Clerk, who has most kindly furnished the Extracts:—

At the Revolution of 1688 Episcopacy was the established religion in Scotland, as well as in England. In England it continued so. For a time it seemed uncertain whether it would not also be established in Scotland. William at length, however, saw that the Presbyterian form of church government would be most in accordance with the wishes of the Scottish nation; and also, what probably most influenced him, that the Episcopal clergy were more favourably disposed towards the deposed monarch than towards himself.

On the 14th March, 1689, the Scotch Estates met. This convention, on April 4th, as regards the church, declared by a majority, that "Prelacy . . . ought to be abolished." (See, among others, Dr. Grub, vol. iii. 299, 300.) On the 13th of the same month, it enjoined all ministers of the gospel to pray for

William and Mary as king and queen of Scotland, and to read a proclamation to this effect, under pain of being deprived of their benefices. The Presbyterian ministers quite willingly complied. But many Episcopal ministers, being at heart favourable to James, refused to comply, and were deposed. This was especially the case in the south of Scotland. In the north, Aberdeenshire, &c., most of the incumbents seem to have complied, and consequently remained in their parishes. All the ministers in Alford Presbytery appear to have remained. In the district there was no feeling against Episcopacy. Of the five ministers deposed after 1715 for espousing the cause of the Pretender, four were incumbents at the Revolution, viz., Mr. Jaffrey, Alford; Mr. Livingstone, Keig; Mr. Alexander, Kildrummy; and Mr. Robertson, Strathdon. In regard to Mr. Law, Kern, who was also deposed, it may be here stated that in 1708, at the request of Lord Forbes, whose mansion was in the parish, he was called to Kern. The Presbytery took him on trial, but were not satisfied with his appearances. His case was considered at several meetings, as the Presbytery "wanted clearness," and so "were not able to ordain him." The case came before the Synod, and was by them referred to a committee. The sentence of the committee was, "that this committee cannot in conscience advise the said Presbytery (of Alford) to proceed therein, inasmuch as they reckon him insufficient for the work of the ministry and charge of souls, even in a small congregation. But withall allows the said Presbytery, at the desire of my Lord Forbes and parochiners of Kern, to employ him as probationer in the said paroch, for such time as they shall find meet." (See Minute, Alford Presbytery Book, June 1st, 1709.) Mr. Law was so employed. In 1713, nearly four years afterwards, Lord Forbes again asked the Presbytery to ordain Mr. Law. (Minute, January 14th, 1713.) The Presbytery at length agreed to settle him in Kern, and his ordination took place on 31st March, 1713.

(Minute, March 31st, 1713.) Mr. Law was therefore not minister of Kearn at the Revolution, and thus was in a different position from the other four ministers, who were "Episcopal Incumbents."

Although, as we have seen, Episcopacy was "abolished" in 1689, yet it was not till next year, June, 1690, that Presbytery was set up, an Act passed ratifying the Confession of Faith, and settling Presbyterian church government. Even yet Episcopal ministers were allowed to remain in their parishes, unless they showed disloyalty by refusing to pray for William and Mary. They were not, however, allowed to act as members of the church courts, unless they conformed to the Presbyterian church government. Between 1690, and the time of the Rebellion, 1715, several Acts were passed favourable to the Episcopalians. Those of their ministers who lived loyally and peaceably were not interfered with in their parishes. They probably always expected that better times for them would come. As time wore on their numbers were becoming fewer and fewer. And when, in 1715, the Jacobite Rebellion broke out, there were only four ministers in Alford Presbytery ordained previous to the Revolution of 1688 who had not conformed to Presbytery. Indeed, with the single exception of Mr. William Garioch, minister of Kennethmont, who was ordained in 1687, all the other ministers were ordained subsequent to 1688, and so were Presbyterians. Mr. Garioch seems to have conformed, as we find him taking a part in the trial and deposition of the ministers who joined the Jacobite insurrection.

Paper XIII. In continuation of the foregoing introduction to the Extracts from the Presbytery Records of Alford, this paper, being copy of an autograph letter of the Rev. John Alexander to his wife, describing the hardships he and others, who were sent as prisoners along with him, underwent in their journey from Aberdeen to Edinburgh, may very well find a place here.

The following particulars relating to Mr. John Alexander have been obtained. He was recommended for license as a preacher by the Presbytery of Edinburgh to the Bishop of Edinburgh on the 29th December, 1680—was licensed by the Bishop the following day. He was appointed to the Kirk of Kildrummy by the Earl of Mar in 1682, in succession to Mr. William Burnet, who had refused to take the Test ordered by Act of Parliament.

The recommendation by the Presbytery to the Bishop of Edinburgh, the Bishop's license, and the presentation by the Patron, the Earl of Mar, to the Parish and charge of Kildrummy, are appended. All these papers show a mixture of Presbytery and Episcopacy, and a form of procedure which in the present day is rather difficult to comprehend.

(These three papers have been kindly furnished by the Rev. W. W. Hawdon, Woodhead, Fyvie.)

*Recommendation by the Presbytery of Edinburgh to the Bishop of the
Diocese in favour of Mr. John Alexander.*

WE, the Moderator and Reverent Brethren of the Presbytery of Ed⁹, by these presents Do Testify to the Right Reverend John, Lord Bishop of Ed⁹, That the Bearer, Mr. John Alexander, upon the Recommendation of the Professor of Divinity of Aberden, hath been tryed by us in all the Ordinary pairts of tryalls taken of such who are to be Licensiat to preach in publick, and in all of them was much by us approven. And herfor We Do thoroughly Recommend him to your Lordship for obtaining A Licens to preach in publick, whersoever he shall be Lawfully cald thereunto. In verefica-on of the premisses, These p^{nts}. are Written at Our Command, and subscryved in our names, At Ed⁹ the twenty-ninth of December, MVI. hundred and eighty years, by

AR: TURNER, moderator.

CHARLES LUMISDEN, Clerk.

License granted by the Bishop of Edinburgh to Mr. John Alexander.

In Consideration of the above-written testimonie, and that the Bearer, Master John Alexander, hath acknowledged his Majestie's supremacie, and to yield due obedience to me his ordinarie. Thes ar to Licence the said Master John Alexander to preach in any congregation within my diocis of Edinburgh, as he shall be lawfully called thereto, in witness whereof thes presents ar written be Master Thomas Paterson, my servitor, and subscribed with my hand Att Edinburgh, the thretieth day of December, jajavy and fourscore yeirs.

JO : EDINBURGEN : sc.

*Presentatione to the kirk of Kill Drumie in favour of Mr. John Alexander,
1682.*

CHARLES, Earle of Marr, Lord Erskine and Garioch, Undoubted Patron of the Kirk of Kill Drumie, Lyand within the diocis of Aberdeen, To the Most Reverend father in God, Alexander, Be the Mercie of God, Archbishop of Saint Andrews, Greeting, florasmuchas the said kirk of Killdrumie Is now become vacant, and at our presentatione Through the Recusancie of Mr. William Burnet, late incumbent ther, In not takeing the Test appointed be the act of parliament, before the first of January last, And We being weel informed of the literature, pietie, loyaltie, and good conversatione of Mr. John Alexander, Our Chaplane, preacher of the word of God, And of his earnest desyre to labour in the work of the ministrie. Theirfoir Witt yee Us To Have Nominated and presented, and be thir presents Nominats and presents the said Mr. John Alexander to the said Kirk of Kill Drumie, and to the Mauns and Gleib theirol, And to the Locall and modified Stipend and provision of the said kirk and parioch, As it was uplifted, enjoyed, and possest be the said Mr. William Burnet, or any other former ministers theirol. To be possest, brooked, soysed, intronned with, and uptaken, used, and disponed upon be him, and that of the Cropt and yeir of God Jajvjit and eightie two yeirs and in all tyme comeing, Dureing his Lyfetym and Service of the Cure at the said kirk. Requeisting therfoir you the said most Reverend Archbishop of St. andrewes to take tryall of the said Mr. John Alexander

his literature and qualifications, for the Service of the Cure at the said kirk, And being found fitt and qualified to admitt and receive him to the exerceing of the office and function of the ministrie at the said kirk, and to the mauns, gleib, and Stipend of the samen as said is, And to Grant him Collation and institutione theirupon, OR in caice of his insufficiencie to Report the samen to us that we may present ane other qualified person theirto in due tyme as said is. Requeisting also the Lords of Counsell and Sessions to Grant and direct letters of homeing, poynding, and other executionalls neidfull at the instance of the said Mr. John Alexander, Upon ane Simple Charge of Ten Dayes Against all persones lyable in payment of the said Stipend ffor Causeing them readilie to answere and make payment of the same to the said Mr. John Alexander of the said yeir and cropt jajvjit and eightie two yeirs and in all tym coming, Dureing his lyfetym and serveing of the Cure at the said kirk. In Witness wherof thir presents (written be Charles Row, Servitor to Hugh Paterson of Bannockburn, wryter to the Signet,) are subscrivied with our hand Att Alloay the fyfteen day of March jajvi and eightie two years, Before these witnesses, John Kerrie, inserter of the date and witness, and Alexander Rait, both our servitors.

JO. KERRIE, Witness.

MAR.

A. RAITT, Witness.

Paper No. XIV. The Earl of Rothes, who was appointed Lord Lieutenant of the county of Aberdeen in succession to William, 12th Lord Forbes, who died in July, 1716, was a notable man at that time, and had borne a prominent part in support of the Government upon the rising of 1715 taking place. He was John, seventh Earl; he had commanded a body of volunteer cavalry at Sheriffmuir in November, 1715, and behaved with great gallantry on that occasion. He was Lord Lieutenant of the counties of Fife and Kinross, as well as of Aberdeen. He died in May, 1722. This paper of "Instructions" is from Lord Forbes' collection.

Papers XV. and XVI. These papers have been obtained from the collection of Lord Sempill at Fintray House. The

first two are the reports made to George I. in 1724, and to George II. in 1727, by General Wade upon the state of the Highlands subsequent to the rising of 1715, and contain his recommendations as to what he believed to be the best means of reducing the country to a state of tranquillity.

Paper No. XVII., a Memorial anent the true state of the Highlands, is believed to have been written by Duncan Forbes of Culloden, but the "Memorialist" does not append his name to it, and there is nothing in the paper to fix its real authorship.

Papers XVIII. and XIX. consist of various Proclamations by James the VIII. prior to the rising of 1745, and by Charles Edward during the rising. It is believed they are sufficiently rare to warrant their being included in this volume. They are taken from a collection of old pamphlets.

Paper No. XX. contains Extracts from the Burgh Records of Aberdeen relative to the rising of 1745. The introduction to these Extracts has been contributed by Mr. A. M. Munro :—

THE REBELLION OF 1745.

After a lapse of thirty years a second attempt was made in 1745 to retrieve the fortunes of the House of Stuart, and this enterprise was identified with the son of the Chevalier de St. George, the handsome Prince Charles Edward.

Four days prior to the taking of Perth by Prince Charles the Town Council took measures for placing the burgh in a defensible position, considering that an insurrection had broken out in the Highlands. After several methods had been discussed for accomplishing this object, it was ultimately resolved to arm a section of the burgesses, to do duty alternately in guards of seventy, under officers appointed by the Magistrates. Sir John Cope, after an unsuccessful quest for the rebel army as far north as Inverness, arrived in the burgh on the 11th September, and camped on the Dove Cot Brae, the ground near Union Terrace.

In this camp he remained till the arrival of the transports from Leith, in which he sailed on the 15th September for Dunbar. During his four days stay he had several meetings with the Magistrates regarding the six 12-pounders mounted at the Blockhouse or fort at the harbour mouth, as also regarding the number of small arms within the burgh. The Magistrates were at one with Cope as to their inability to defend the cannon from falling into the enemy's hands, but a difference of opinion existed as to the entire disarming of the town, proposed by the latter. It was not until he threatened the Magistrates that they consented to give way in the matter and hand over the 250 stand of small arms in their hands. As matters turned out, Cope took the readiest method of delivering the cannon and small arms into the hands of the rebels, a contingency which, in the case of the Magistrates, he said was sure "to make them obnoxious to the government and make them answerable for such conduct."

The 25th September, being the regular day for the election of a new council for the ensuing year, the first part of the proceedings, consisting of the election of the new councillors, was completed at the forenoon meeting, and as usual the old and new council then adjourned to meet at 3 o'clock for the election of office-bearers.

The meeting was scarcely adjourned when John Hamilton, chamberlain to the Duke of Gordon, with twenty-five horsemen and seventy foot, entered the burgh, and their presence seems to have so overawed the burgesses that they were allowed to act pretty much as they pleased. This may be accounted for in some measure from the fact that several of the inhabitants joined this party. One of the first acts of the rebels was to possess themselves of the keys of the cross house, and then to send an armed force in search of the provost, James Morison, Jr. of Elswick, who was only brought to the cross on a threat to

burn his house. Along with the provost, two of the baillies and several councillors were compelled to attend and hear James Petrie, sheriff-substitute, read the manifesto of the Chevalier, and for a second time hear him proclaimed as James VIII. After this ceremony wine and glasses were produced, and healths drank, but no amount of persuasion would make the provost drink such treasonable healths, and the only satisfaction the rebels had was to pour the wine down his shirt front. Provost Morison, in a letter addressed to Lord President Forbes, describes the treatment he was subjected to in the following terms:—"On the 25th past I was seized upon by an armed party of Highlanders, violently forced down to the cross, and there, with some broadswords over my head, I was obliged to stand till their proclamation was read ; and, because I refused to drink a health they proposed, I had a glass of wine spilt down my breast—in so far they got what they aimed at, but sure it was no advantage to their cause. I hope I shall ever esteem it my greatest honour, as Providence shall give me opportunity, to be equally faithful in the discharge of my duty in my station under the present happy establishment." The determined stand taken by Provost Morison earned for him the sobriquet of "Provost Positive."

Of course any thought of proceeding and completing the election was abandoned, and the provost and many others at once left the burgh for a place of greater security, and thus for a period of five months there was a complete break in the municipal government of the burgh.

A commission was issued by Prince Charles Edward in favour of Lord Lewis Gordon, appointing him Lord Lieutenant of the counties of Aberdeen and Banff, and he in turn nominated William Moir of Lonmay to be Deputy Lieutenant and Governor of the town of Aberdeen. It was originally intended to have offered this post to Thomas Erskine of Pittodrie, as Lord Lewis

Gordon, writing to the laird of Stoneywood under date 7th November, 1745, says, "and Pittodery, if he will accept, is the man pitched upon by the Council to be Governor of Aberdeen under myself." * Erskine, however, would have nothing to do with the matter, for, as he writes himself, "I am determined to take no concern in that sheap, for when my Lord Mar wanted me in the fifteen to concern that waye I absolutly refused."

As in the former rebellion, the press belonging to the town's printer became exceedingly useful to the rebels, and for a time at least James Chalmers, the printer, issued their manifestos, but latterly he fled the town, and in consequence his house and belongings were specially marked out for outrage and destruction. The absence of Chalmers was also felt by the inhabitants, who were thus deprived of the news schedules which he seems to have printed, giving particulars of the reverses and successes of the rebellion.

At a head court of the citizens held on the 7th December, 1745, there was submitted an order from Lord Lewis Gordon demanding payment of the cess for that year, and also that the town should furnish their quota of armed men, in the ratio of a man for each £100 of valued rent, or to pay the sum of £5 in lieu of each man, under pain of military execution. Seeing that there were between 1800 to 2000 men about town, the meeting was of opinion that the threat was no idle one, and so they appointed a committee to treat with Lonmay on the subject, and get the best terms possible in the circumstances. Lengthened negotiations passed in regard to the matter, the committee endeavouring to get off for the sum of £500, while Lonmay insisted on receiving a £1000, and ultimately they had to agree to the Governor's terms and pay the latter sum.

A graphic account of the state of the burgh during the close of 1745 is given in the Diary of the Rev. John Bisset, from

* Miscellany, Spalding Club, I., 405.

which it can be plainly seen that rumours and false alarms kept the people in a state of constant excitement. Now it was French troops being landed at Montrose, Stonehaven or Peterhead, then rumours that Prince Charles had been slain in Edinburgh and his army routed, or again that Loudon was marching to the relief of the burgh with over 2000 men from Inverness, while all the time the uncertainty of getting any true information leads the reverend gentleman to write his correspondent that "I find false news among Whigs as well as among Tories, which is the reason that the one end of the gazets I send you do contradict the other." One of the incidents of the rebellion which caused a great excitement in the town was the skirmish at Inverurie on 23rd December, in which Lord Lewis Gordon defeated a body of Highlanders, chiefly Macleods and Munros, who had been detached by Loudon for the purpose of relieving Aberdeen.

In the early days of February Bisset reports that large numbers of the rebels passed through the burgh on their way northward, and according to his account the Prince was in Aberdeen on the eighth of that month, but in this he was mistaken, as Charles on that date was at Clova in Forfarshire with the portion of his army which took the Highland road.

The Government forces entered the town in the afternoon of the 25th February, and two days later the Duke of Cumberland took up his quarters in the Guestrow, and held his levees in the Marischal College buildings. During his stay of nearly six weeks the Duke entertained the citizens at a grand ball held in the college, and on the 6th March he received the freedom of the burgh. Before leaving to go northwards on the 8th April he appointed twelve prominent citizens, among whom were six ex-provosts, commissioners to carry on the government of the town, while he left Captain Crosby as military commandant of the 200 troops who were lodged in the new building of Gordon's

Hospital, which had been specially fortified with ramparts and pallisades, and renamed Fort Cumberland. The 15th of April, being the Duke's birthday, was made the occasion of a great outburst of loyalty in the town, and an elaborate programme was prepared by the Governors, which included the ringing of the bells, a turn out of the town's volunteers, who had been enrolled to the number of 400 men, an illumination of the town in the evening, and a function to which the officers of the military and volunteers were invited to meet with the principal inhabitants to drink "loyal tosses." Three days later the same programme was repeated on the Governors receiving information that on the 16th His Royal Highness had gained a complete victory over the rebels at Culloden.

The duties of the Governors, in addition to organising these fetes, was to precognosce persons who were suspected of having been concerned in the rebellion, and in gathering information as to the movements of the rebels. In performing the latter duty they seem to have been exceedingly zealous, as they had an arrangement with the various ministers for thirty miles round the town to send them reports.

A matter which exercised the minds of the Governors to a very great extent was the endeavour to get rid of the embargo that had been laid upon local shipping from leaving the harbour, but in this they were unsuccessful, and the citizens generally felt they had a grievance in not being permitted to exchange their merchandise of cloth and salmon for the "necessaries which we use to gett from London, Newcastle, and the firth of Forth." Time after time this matter appears to have been pressed on the notice of those in authority, but without avail, for however loyal the majority of the burgesses might be there was always the possibility of prominent rebels escaping from the country in these merchant vessels. The experience of the '15, when the Chevalier and his friends escaped from Montrose in spite of

warships watching the coast, was remembered by the authorities, and consequently a strict blockade was put on all the northern ports as far as local shipping was concerned.

The precautions of the Government do not seem to have been uncalled for, as the south country men, after the battle of Culloden, made their way southwards at once. From the reports of the Governors it would appear that two days after the battle there was a rally of the rebels at Ruthven in Badenoch, and among them was said to be Prince Charles, the Duke of Perth, and others, and that they there dispersed, the laird of Stoneywood tearing the colours from the staff. The minister of Birse also reports that on the 18th the Angus men passed through Braemar in great confusion.

So pressing did the Governors become regarding the opening of the port, and so great the fear that some of the rebels might escape, that about the beginning of May a party of seamen from one of the sloops of war was landed and unrigged the whole of the shipping, thus rendering them helpless.

About the same time all the boats and "yauls" at Newburgh, with their crews, numbering some forty men, were commanded to repair to Aberdeen harbour immediately, which they did.

Meantime, while the negotiations were going on for the release of the shipping, the tolbooth was being rapidly filled with suspects, till on the 23rd May the Governors report to the Judge Advocate that the place was full, and that owing to the excessive heat the prisoners "are in a dismal situation."

The Governors continued to exercise their duties till the 9th July, when, by virtue of an Act of the Privy Council, dated 16th June, the election which had been interrupted on the September previous was completed by the old and new councils electing office-bearers to act till Michaelmas, 1746. The first action of the old and new councils after the election was to confirm the grant of the freedom of the burgh granted to the

Duke of Cumberland by the Governors, and they now resolved to have the burgess ticket extended "in the genteel form," and presented to the Duke in a gold box. Another act approved was much of the same nature, and provided for the deletion of the names of all who had been made burgesses by the rebel council, and in the Burgess Register, on one page under the deleted names, there is the note—"The above fellows were made Burghers by the Rebels who made Alexander Diram Clerk of Court and Collector of the Taxation within Burgh." On the opposite page of the Register is the admission of Cumberland, following which are those of Hawley, Albemarle, Cathcart, and Marquis of Granby, &c.

The last incident connected with burgh history arising out of the Rebellion of 1745 took place on 1st August, the anniversary of the accession of George I., when the officers of the 36th regiment, then quartered in the burgh, took upon themselves to order a general illumination of the town. The order was only very partially obeyed, with the consequence that the soldiers, acting under command of their officers, smashed the larger portion of the windows in town. The Magistrates, feeling that the dignity of their office and right of administration were in question, acted promptly, and at once arrested one of the officers whose conduct had been conspicuous in the affair. Proceedings were instituted against him, but the case was not finally disposed of till 1747, and then only on the intercession of Albemarle and others, when decree was given for £60 16s. 5d. against the officers of the 36th, as representing the damage done to the windows of the poorer citizens in the town. This incident closed the history of the '45 as it affected the capital of the North, and Aberdeen, like the other burghs in Scotland, has enjoyed from that date an almost unbroken experience of prosperity and advancement.

Paper No. XXI. is from Lord Forbes' collection, and gives a description of the battle of Prestonpans by an eye-witness.

Paper No. XXII., the Journal of the marches of His Royal Highness the Prince Regent's army, &c., was obtained from a collection of pamphlets describing various events of the time.

Paper No. XXIII. is the reproduction of a broadsheet printed at Derby immediately after the army under Prince Charles Edward had left on its retreat to Scotland, and has been selected from the papers belonging to the Earl of Erroll.

Paper XXIV., A. and B., giving two accounts of the battle of Falkirk, has been obtained from the collection of old pamphlets above alluded to.

Paper No. XXV., showing how the troops were located at Aberdeen and neighbourhood while on their way North to Culloden, is taken from the Fintray House papers (Lord Sempill's). The letters to Lieut. Forbes, commanding at Tarland, refer to the following year, but the matters are sufficiently consecutive as they stand, and it was not considered necessary to break up the paper, to put them in exact chronological order.

Paper No. XXVI. was contributed by the late Mr. Stuart Burnett. The original letters from Captain Alexander Stuart of Dunearn were in Mr. Burnett's possession. They contain a very graphic account of an expedition from Aberdeen to Corgarff Castle in Strathdon in the month of February, 1746, on which occasion Captain Stuart commanded a troop of Dragoons; and also an account by that officer of his experiences at Culloden.

Paper XXVII. These extracts from the Records of the Synod of Moray have been contributed by the Rev. Stephen Ree of Boharm. They describe the action of the Synod which was sitting at Forres while the battle of Culloden was being fought.

Paper XXVIII. The Kilmarnock Papers. These have been kindly given for the use of the Club by the Earl of Erroll, and consist chiefly of letters from his Lordship's ancestor, the Earl of Kilmarnock, while a prisoner under sentence of death in the Tower of London, to his son Lord Boyd, who subsequently succeeded to the Earldom of Erroll.

Paper XXIX. This account of the Trial of Lord Lovat, by one at the Trial, has been obtained from Lord Forbes' collection.

It has been found necessary, as the papers have come from the printer, to divide them into two volumes—the remaining portion will be issued hereafter with a separate Introduction. The Index will appear at the end of Vol. II.

In issuing this volume the Editor desires to refer to those who have so kindly aided him in obtaining the papers. The collection was commenced with the help of the late Mr. Charles Elphinstone Dalrymple, whose loss to the Club is so well known to all its members, and remains the subject of deep regret.

The Editor's thanks are due to the Earl of Erroll for the Kilmarnock Papers; to Lord Forbes, from whose collection many of the papers have been obtained; to Lord Sempill, from whose documents at Fintray House the several papers produced were selected by the late Mr. Dalrymple; to Mr. A. M. Munro, for the help he has so kindly given with reference to the Extracts from the Burgh Records of Aberdeen; to the Rev. Thomas Bell, Keig, Aberdeenshire, for the Extracts from the Presbytery Records of Alford; to the Rev. Stephen Ree, Boharm, for the Extracts from the Synod Records of Moray; and to Dr. Dickson, of the Register House, Edinburgh.

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The Editor has at all times received the most cordial aid from the Secretary to the Club, Mr. P. J. Anderson, to whose kind assistance in seeing the papers through the press, his warmest thanks are due.

J. A.

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(These have been prepared by Messrs. G. W. Wilson & Co., Ltd., Aberdeen.)

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 Peintre de S. M. Brittainque.
 et gravé par M. Horthemels. </div> <i>From an engraving in the possession of the Earl of Erroll.</i> Frontispiece. | |
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Rome le 31 Decembre, 1720.
<div style="text-align: center; margin-left: 100px;"> Edouard presque senl, Vole vers ses Etats,
 Sa Fortune et ses droits Accompagnent ses pas :
 Quel Prince mieux que lui, Pretend à la Couronne,
 Si le sang la transmet, si la vertu la donne.
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(To follow Key above-mentioned.)

I.

REPORT OF THE COMMITTEE ANENT THE PEACE
OFF THE HIGHLANDS, 1699.

6th December, 1699. The Committee anent the highlands and garisons.

Sederunt—Viscount of Tarbet, Lord Forbes, Lord Abernethy.

Viscount of Tarbet elected Preses.

1^{mo}. Its the opinion of the Committee that a garison be established at Ruthen of Badenoch consisting at least of thirty Centinels w^t a Captain and subalterns, two Sergeants two Corporals and a Drum, as also that thrity men be posted at Bellivatt in the Parioche of Ardclack in the Shire of Murray under the command of Captain Broadie in my Lord Stranevers Regiment w^t inferiour officers conform and in like manner that a party of fourty Centinels be posted again at Invermoriston under a captain and other officers conforme for gaurding all the Shires be north that pass which lies betwixt Invermoriston and Lochdurn under the command of Captain Neil McLeud in his Mties gaurds, and its the opinion of the Committee that all the parties posted for gaurding of the countrey shall consist of detached men, and not of intire companies, And that they be highlanders where they can be had as fittest for that highland Service.

2^{do}. Its the opinion of the Committee that whereas the highland chiefs and Landlords at the time of their giving Security for their Clanns and dependents accustomed to give in Lists of such persons as they will not be answerable for, and for no others by which methods they alwayes leave out the notable theives and Robbers of their Clanns and by whom most part of the Robberies and thefts are committed and heirby they render both our laws and their securities elusorie therefore it appears fitt that by open proclamation the highland Chieffs and Landlords should be declared lyable for all othr claims and dependents w^tout regard to any

such exception and that it shall be Enough for the pursuer for thefts or robbers to prove that the persons guilty of the crimes were receipt within the bounds of their Cheiffs and Landlords, for the space of fourtie eight hours. Thereby to make their Cheiffs and Landlords lyable for the damage.

3^{uo}. Its offered by the Commitie to the Counsels consideraen if it were not expedient to renew the old practice of chargeing the highland Cheiffs and Landlords to present such robbers and thieves ag^t whom Crymes are proven or who are declared fugitives by the Courts at ane certaine day and failzing thereof that the Cheiffs should enter their persons in Blaknesse or some other of the King's Castles there to remain till they produce the Criminals which as it was the former practice so it seems to be grounded upon the Sēall Acts of Parlā^t particklarly upon 2 Act i. par. K. Ja: 5th.

4^{uo}. Its the opinion of the Commitie that in the same proclamation all the Leidges be prohibited to buy Cattell from highlanders but such Catell only as are attested by some Landed men to become gear under pain of being lyable for all the goods which shall be proved to have been stollen w^t the goods so bought in company.

5^{uo}. Its the opinion of the Commitie that in the method of tracking of stollen goods it should be thus explained that when I track goods unto lands belonging to B. if the track goe further then the men of B. land should concurr to goe along in pursueing the track to C. land, and so forth still untill the tracks terminat And as the heretors where the track terminats is lyable so if these on B. doe not concurr and goe along to follow on ut supra. Then the lands refuseing to pursue the track should be holden as lyable and since provisions may fail the pursuers it should be ordered that the next tenants shall affoord them provisions at the market rates, and if they refuse to be lyable as accessory to the theft, and that the person on whom the theft terminats shall be lyable also for six shilling Scots p diem to every on of the pursuers and further that every person who gives concurrence shall have his expence from the pursuer and the pursuer have it from the person lyable for the theft and that every place which is obleidged to concurr in the pursuit as is said shall be obleidged to send the third fencable man to this asistance if the pursuer require so many. And this expence over and above all former pains men^t. in the laws and that this be expressly insert in the proclamaⁿ.

6^{to}. Its the opinion of the Commitie that for encouraging people to stop and recover stollen goods it would be enacted if they who turn back stollen goods and deliver them to the owners, shall have a third p^t of what is so recovered for their travel and hazard receiving ac^{on} for these as weil as for other damages from the theives their cheiffs and landlords, the Recoverers who gets this recompence alwayes proving who the theives were, that the person injured may recover his loss, and that this be expressed in the proclamation.

7^{time}. Its the opinion of the Commitie that if the Commissioners of Justiciary be continued or renewed that their be fewer highlanders and a great number of Lowlanders put upon it and that they be restricted positive to medle in no ac^{ns} but in thefts robberies and slaughter committed in the highlands and by highlanders.

II.

PROTEST BY HIGHLAND HERITORS AGAINST GIVING BOND FOR PEACEABLE BEHAVIOUR OF TENANTS, 1699.

UNTO THE RIGHT HONOURABLE The Lords of his Maties privie
Councell The petition of the heretors of the Shires of Aberdeen
and Banff having Lands in the highlands and particularlie John
Farquharsone of Invercald John Forbes of Inveraren Alexr.
Gordon of Camdell &c.

Humbly Sheweth

That where the petitioners are latelie charged by vertue of ane
warrant granted by the Lords Com^{rs}. of Justiciarie appoynted for the
northern district To have compeared before them and found caution for
ourselves mentenents and servants &c: in the terms of a bond herewith
presented to yor Lo., and are enacted to signe the same the next court
day most wrongouslie &c: Considering that albeit yor petitioners do
most heartilie abhor the disorders wherwith the highlands are too much
disturbed and are most willing to all maner of order for the execution of
the good and laudable laws made for repressing these disquiets And are
likeways most heartilie willing to give all due and readie compliance to
the honorable Courts of Justiciarie, Yet we most humbly conceived the
bond latelie appoynted to be signed be us will after the consideration of
the grounds following deserve to be changed as to the form and clauses
therof, and your Lo. will find the reasons humbly offered to be sufficient
grounds why the samen aught not at present to be prest 1^o Because the
draught of this bond being communicate to your Lop^s., your Lop. did
appoyntt a committee to examine it and prepare a draught to be signed
by us And that being now under Lo. consideration upon application
from the Com^{rs}. themselves It is humbly conceived ther aught nothing to

be concluded or determined farther in that matter untill your Lop. resolution be known 2^o Wee shall never declyne to give bond in the verie terms of the law but we do with respect beseech your Lo. To consider the forsd. bond which we are appoynted to signe and it will caslie appear That a great many of the clauses contained in it will need at least expleaⁿ if not amendment and to mention the subsumption bearing the necessitie of putting the Laws in execution with the addition of other effectuall meanes and wayes to be used as if ther could be any other rule but the Law We beg that the clause wherby we are appoynted to oblige ourselves in name and behalfe And taking burden in and upon us for the haill men &c. living within our bounds That they shall live quetlie obey the Laws made agt disorders of the highlands may be compared with the acts of parlia^t. appoynting us to find caution, And we do confidentlie assert That the extension of that clause and the still of it is conform to none of these acts, as to which in generall it is to be observed That we are priutlie bound for no mans facts perellie but our own Indeed if we do perform what the Law requires of us Directlie we are declared lyable by way of certification and punishment for the damage ariseing from oth^r peoples crymes but by no Law are we directlie bound to take burden for them That they shall live peaceablie and for farder explication and clearing of this matter we humbly beseech the act 94 par: ij Ja: may be considered; wherby it is statute that if any men &c. within our bounds committs masterfull theiffe theft or recept of theft, depredationes open and awowed fyre raising upon deadlie fead protected and maintained by their master In that case the Landlords &c. are only required to present the person complained upon to justice And that upon 15 dayes warning And by the 108 act of the same parlia^t. sufficient diligence is even equivalent to the pñting of the pairtie complained upon, If neither of these be performed the Law hes established a just and severe certification, but it is expresslie faillicieing therof The Law does Lykewise require that we should concurr for making the Laws effectuall and we are willing to be bound to do it The 231 act par: Ja: b: which was dagedst with all care imaginable and no alteration as to this poynt on the contrair The first clause of it does relate to the former act and requires the Landlords &c: who had not alreadie found severtie To find severtie only in the terms of the former Law because ther wes no other rule, That act does indeed appoynt a generall bond to be taken

but still that bond only concerned the facts of those who were to subscribe it That they should concurr to seek the execution of the act agt the theives and rebels but by no Law are lyable for the facts of others drectlie and priullie, but only in case of faillieing of that which is in our own power and if ther were any ambiguous and generall clauses in any Law yet it were to be understood in the terms of the forsd acts and not to be extended in a penall case 3^{uo} we must beseech your Lop. to consider the clause wherby we are obliged That our men &c. shall not commit murder or be guiltie of fyre raising for we do conceive that that clause ought Lykewise to be in the precise terms of the Law, nor can We be preciselie bound to subject ourselves to the pain of death for the deeds of those creatures of whome we have farr less command than we have of our beasts 4^{uo} Wee are to be obliged that our men shall not harbour recept or intercommun with theives or lawless persones as to which ther is a most express claus in the 94 act 7 par: Ja: b. ordaining that in case any landlord or baillie receive or recept any persone upon their lands or arrest them not when they pass through with true mens goods stollen or reift If the samen comes anywayes to their knowledge or that it be tryed that they might have stayed or withstand the sds. reiffs and oppressiones whilk knowledge and power of the landlord shalbe tryed be ane assise The master in that case wes lyable to present the persone of the offender or faillaeing therof to pay the skaith, and we most heartalie willing to be obliged in the terms of the Law, but that we should be lyable for receipts or intercomuning with fugitives which it is impossible we should know or discover is without all fundation and undoubtedlie wes not the intention of the Com^{rs}. and therefore this clause deserves a farder explication and in our opinion cannot be better exprest than in the words of the law 5^{uo} Ther is lykewise ane expres act of parliat. anent blackmaill which is most properlie the rule in that case and the presenting of our men &c. to justice when accused on that poynt of dittay being lawllie required is all that we can be bound to do 6^{uo} That we should be bound to repair the damages done by our mens Is ane exceeding hardship except in the terms of the act of parliat. That we faillieing on our parts to present them to justice or concurr to execute the laws 7^{mo} The obligation to present a list of all residing upon our bounds does lykewise deserve a farder explication for as for instance if any of our tenents are pntlie warned to flitt and [at] Whitsunday we

cannot be lyable to answer for these tenents who are just going off of the ground and for whom the next master must be lyable, And therefore if the lists be required of us we must be allowed to qualifie the lists accordinglie 8^o The acts of parliat. having established sea^l penalties in case of contravention according to the sea^l circumstances the bond ought to contain to further penaltie in case of not performance because in effect the haille bond is but ane obligation of penaltie 9^o The forsd. act 94 par: 7 Ja: 6 does make a distinction betwixt the nature of the obligations to be granted by such heritors who have their lands in the hylands but indeed have their residence in the Lowlands, And we do intreat that the lands to be taken be such of us as are in these circumstances may be conceived in the terms of the forsd. act, Lastlie ther is no Law obliging us to find caution bypast alle^t incurred by our men being only bound as to bygones either to present or pay the damages when we are legallie conveened for that effect espeallie considering that your Lo. have latelie found by a solemn determination That our obligation is only alternative and to accumulative both to present and pay, but that we are freed noxe deditione et noxa caput sequitur, neither can We bound for persones alreadie denounced any otherwayes then as aforsd. And on the whole we can be lyable in no one single particular for the crymes of others except wher ther is a specifick statute requyring it notwithstanding of qch relevant objections The Com^{rs} of Justiciarie intends to proceed Therefor we beseech your Lo. &c.

Edr. 17 Aprile 1699.

Sists execution hereon till the fourth day of May next And in the meantyme allows the Com^{rs}. of the highland justiciarie to see and answer.

Sic sub^r.

MAR.

QUEENSBERRIE.

ANNANDALE.

MORTON

III.

LISTS OF HERITORS WHO HAVE GIVEN BOND FOR
PEACEABLE BEHAVIOUR OF THEIR MEN, 1699.

A.

LIST OF HERITORS above Collblin who have bonded to the peace
for their men's good behaviour and also of their men given up
by them.

List off the tennants off Monaltrie

Charles ffarqrsone	John Riach botmane
Donald ffarqrsone his sone	John Riach his sone
ffindlay ffarqrsone	Alexr Downie milert
James Orack	Rot Coutes
Thomas Baine	John ffarqrsone elder
James Symone	Grigor McGrigor
John ffarqrsone	John Gordone
James Baine	James Ladiyame
John Dune his servant	James Ladiyame his sone
Don : Maxwell	James Elsmie
James Maxwell his servant	James Mcphersone

List off the tenants dwelling upon the Earle off Marrs free rent in
Braemarr

Andrew Stewart in Glen Clunie	Don : Grant thr
Jon Stewart his servant	Alexr. Robertsons thr
Alexr Mchardie thr	William Robertsons his sone
Duncan McIntosh	Dun : Robertsons thr
Donald Gruard	Rot. Mchardie thr
Jon Mchardie	Geo. Mchardie his sone

LISTS OF HERITORS.

9

Don : Stewart servant to Dun :

Lyon

Alexr Thomson in Tominreian

Tho : Thomson his sone

Archibald ffarqrsone thr

Rot : ffarqrsone his brothr

Donald McGilvry thr

John McGilvie Miller

John and Donald McGilvies

Andrew McGrigor thr

John Stewart thr

Dun : Grant thr

Alexr. Cammell

And : Shaw thr

Alexr. Frazer

Alexr. ffraser his servant

Alexr. Bremmer thr

John Stewart his sone in law

John Ratra thr

John Grant yor. and elder

Don. Gruar in Auchallater

Alexr. Gruare thr

John ffarquharson of Invercald his men

Wm Smith

Donald Catenach

Lachlan Bain

John ffraser

John Buy

John Mckarrell

Duncan Bain

Wm Bain

John Couts

Alexr. Couts

Donald Grant

All : ffraser

John Lunan

Donald Gordon

John MckRory

Duncan Shaw factor

Donald Grier his servant

Grigor Gassack

Donald MckGrigor

Wm MckGillawie

Donald MckGillawie

Alaster MckGillawie

Alaster Mckanarch

Alaster Mckanarch yor

Alester May

John Mckgillewie

Thomas Mckgibbon

Donald Mcklachlan

Alester ffarquharson

David fforsyth

John Mckhardie

Alaster Oven

Donald Grasseck

Andrew Thomson

Alester Catenach

John Mckgillewie

Donald Mckgillewie

Donald Buy

James MckAndrew

Wm Oven

Duncan Roy

John Buy

James Buy

Alester Mckhardie

Grigor Renach

John ffraser

Donald Comay

John MckRory

Alaster Bain	Wm. Grasseck
Duncan McGillespie	Donald Coutts
Grigor his son	William Ower
Charles his son	James Catnach
Andrew Mckallum	James Donald
Alaster Fraser	Donald Coutts
Andrew Gordon	Donald Coutts
John Gordon	John Mchardie elder
Alexr. Gordon	John Mchardie y ^{or}
David Coutts	James Mchardie
Alester Mckmweig	John Duncan
Alester Mckmweig his son	John Mcksiver
John Mckmweig his son	James Mcksiver
John Mckmlailor	Wm Mchardie
James May	James Coutts
James May y ^{or}	Robert Mckmweigmay

Pat. farquharson of Inverey his tenants

John McDonald in Gleny	John Kaie
Alester McDonald th ^r	Duncan Kaie
Angus McDonald th ^r	Grigor Kaie
Alester McDougall th ^r	James Kaie
John McDougall th ^r	James Glass
Donald farqrson in Inverey	John Steuart
ffindlay farqrson his son	James Mckgillewie
Rond farqrson th ^r	Callom Steuart
Collen Mckgillewie his serv ^t	Donald McIntosh
James farqrson	John McIntosh his son
Wm. farqrson his Brother	John Mckgilliwie
James Mckgillewie th ^r	John Mckgillewie
Pat Douny	Andrew Mckgilliwie
Lachlan Berry	ffindlay Mccarrar
James Mckpherson	John McDonald
John Mckarrie	John Mckenzie
James Kay	Al : Shaw
Wm Kay	John Grant
Alester Kaie	Geo : Steel

John Farqrson of Allenaqu'hock his men

John Du	All : in Allenaquoik
John Du y ^{or}	John Couper
Duncan Du	Donald Morgan
Wm. Yowish	Edward Du
John Broun	John Du
Donald Mckenzie	John Mcpherson
David Yowish	Duncan fleming
James Bain	Wm. Steuart
James Ague	Donald ffarqrson
Ronald Sanderson	

Kenneth Mckenzie of Dalmore his men

John Clerk	John Mckgillivie
John Clerk y ^{or}	All : Mcpherson
Donald Clerk	James Dey
Alexr. Mckenzie	Duncan Mckenzie
John Mckenzie	Archbald Mckenzie
James Mckenzie	Wm. Moir
Donald Robertson	All : Shaw
Donald Mckenzie	

Ludvick ffarqrson of Achendryn his men

Patrick Mckgilliwie	John ffarqrson
Patrick Grant	Wm. Allanach
Patrick Mckgilliewie	Donald fforbes
John Shaw	John Ersk alias Mcgrigor
John Robertson	Alester Mckgilliwie
Alester Coutts	Donald Steuart
John Grever	Donald McGilliwie
John Allanach	

Donald ffarqrson of Camasnakeest his men

John Mckintosh	Donald Erskin alias Mcgrigor
John Mckintosh y ^{or}	James ffarqrson
John Ague	John Ogilvie
Wm. ffarqrson	James Ogilvie
David Brasiner	James Coutts

John Mchardie of Crathie his men

ffindlay Mchardie Delldowry	Alexr. Riach th ^r
John Shaw in Crathenard	John & Wm. Riachs his sons
Wm. Ratry th ^r	John Gow in Crathie
John Sherar th ^r	James McAndrew th ^r
James Ague th ^r	Donald Steuart th ^r
Thomas Rotrey th ^r	Alexr. Steuart th ^r
Wm. Small th ^r	Donald McAndrew th ^r
John Small th ^r	John ffraser th ^r
Alexr. hay th ^r	John McAndrew th ^r
James Cattinach th ^r	

Charles Mchardie of Micras his men

John Steuart & James ffraser both his servants

James ffarqyson of Tullicchoy his men

John Mitchells elder & y ^{or}	Al : Symon & John ffleeming his
James Mitchell	men
Robert Mchardy	

Wm. Mckdonald portner of Micras his men

Donald ffraser & John ffraser his	John Gald & John Morgan
son A: Morgan Thomas ffraser	serv ^t to Wm. Mcdonald
James Morgan John Steuart	

ffindlay ffarqyson of Cults his men

ffrancis Young in Bellackrich	John Mchardie th ^r
John Elles his serv ^t	John May th ^r
James Gordon in Cults	Donald Coutts th ^r
Rot. Gordon his son	James Mitchell th ^r
James Cowts th ^r	John Morgan a serv ^t
John Gordon th ^r	John & Hary ffarqyson's sons to
Duncan Chrystie th ^r	Mr. Arthur ffarqyson of Cults
James Chrystie his son	elder

James Coutts of Rantsantrish his men

John Morgan in Micras

Donald Mckenzie of Foregatter
hath given up no men

This is a true List of the heretors that gave Bond for ther mens peaceable behaviour to the Commissioners of Justiciary at Insh the 26, 27, & 28 days of Oct^r Last & of the men then given up by them. Extracted & sub^d this tenth of Octo^r 1699 by me

Sic subscribit THO : FORBES.

B.

LIST OF THE HERETORS in Strathdon and above Towie who have given Bond to the Commissioners of Justiciary for the peaceable behaviour of their men, and also of the men given up by them.

Alexr. Straquhan of Glenkindie

John Miln in the Lerg

John Miln y^{or} there

Alexr. Mckaliway

Al. Morrien in Ordelaire

George Morret th^r

Wm. Morren th^r

Adam Croy in Chapletoun

John Rin in pitqulch

Donald Riach

John Riach in Tornahatnich

Wm. Cordiner th^r

James Law in Rynawoan

Al. hunter in farmtoun

Pat Tough th^r

James Gordon serv^t to Glenkindie

Ro^t Callem th^r

James Callem th^r

Michael Strachan in Cottoun

John Straqⁿ th^r

Joseph Clerk th^r

James Milard th^r

George Dasson th^r

Pat ffinie in Dalforsack

John Greme th^r

Jas. Smith th^r

Charles Straqⁿ in Old Morlich

John Gordon th^r

Wm. Yeild th^r

John Watt th^r

Wm. Clerk th^r

Duncan Callem in Cottoun

Pat: Forbes of Culquhany

John Yeat	Al. Thomson
Alexr. Cook	John Yeat y ^{or}
John Morice	

Wm. fforbes of Belnboch

Wm. Lawarnance & John Mulcest his serv^{ts} & Alaster Muggen in Corribreg

John fforbes of Ledmacay

John Muilson in Ledmacay	James Muilson in Ledmacay
Lachlan ffard in Tornagrivan	Al. Dounie serv ^t to Ledmacay

Alexr. fforbes of Invernochtie

John fforbes in Drumanettie	Ro ^t Oig & James Grant Invernochties serv ^{ts}
Wm. Kelles in Invernochtie	

John fforbes of Invernettie

Arthur fforbes in Newtown	Pa. Bain his son
Al: Kelles thr	Ro ^t Simpson & Alaster Mck-
Wm. Bain in Tomcroy	Christan Invernetties serv ^{ts}

George fforbes elder of Skellater his men

John Allanach in Colnabachan	James Riach in Blewfield
John hardie in Delnam	Alexr. Grassick in Bog
Alester Allanach in deldergy	James Dasson in Broomhill
Wm. Simpson in Skellater	John Coutts at Miln of Roppachy
Ro ^t Simpson in Inverernan	John Riach in Roppachy
Arthur Og thr	Alester Miln thr
John Og in Coul	Alester Dasson in Blewmln
Peter Gresseck in Clashnetty	John Dasson in Kinbetrock
Wm. Riach in Ardoeich	Walter Dasson thr
Alexr. Riach thr	Wm. Craigie thr
Pligsher Riach thr	John Craigie thr

Duncan Anderson of Candacraig his men

Thomas Miln in Lochars	John Milne & John Allanach in
John Miln this son	Tamanteple
James Miln this son	Wm. Smith in Tamaclewn
James McRobie thr	Ronald MacRobert John More &
Alester Wattie in Kinstrain	Alester Grigor in Tamaclewn
Wm. Wattie his son	Aalaster Grassick in Drumalind
John Dunbar & Wm. Reid in	Wm. Kesson & Alaster Wattie
Bellogald	in Finnelost
John Milne & James Shaw in	
Glencarvie	

John Fforbes of Deskry his men

John Michy & Alaster Dason	Allan Michie in Barns
his serv ^{ts}	Alaster dason thr

John Gordon of Knockaspack his men in Glenbucket

Alaster Gillenders in Dowlacks	John Bettie thr James Bettie thr
Archibald Reid thr	Wm. Hay in Overtoun
Wm. Reid in Crofts	John Mckyoak in Torenteute
Ffrancis Reid thr	Wm. Mckyoak thr
John Kelles thr	Pat Gordon in Miltoun & Ro ^t
Adam Bettie in Nethertoun	Gordon his servant
Wm. Bettie thr	

John Elphinston of Belabeg his men

Wm. Grassick & John Nairn his	Wm. Mckyoak elder & y ^{or} &
serv ^{ts}	Hercules Mckyoak all in
	Camertoun

John ffarqrson of Old Lerg his men

Alexr. Swan his servant	John Ross thr
Wm. Mcfarland	Wm. ffarqrson thr
John Grant in Old Lerg	

The above written is ane exact List of the heretors of the Lands forsd who gave Band for their mens peaceable behaviour to the com^{rs} of justiciary at Insh the 26 27 & 28 days of Octor 1699 yeirs and of the men then given up by them extracted by sic subscribit

signed THO. FORBES.

C.

LIST OF THE HERITORS of Strathavon, Glenlivet, Glenrinnies and
Cabrach who have given Bond for their peaceable Behaviour, of
their men, tennants, as also of the men given up by them.

James Steuart of Achorachan his men

Alexr. Grant in Achorachan	Wm. Grant th ^r
James Steuart th ^r	Patrick McBain Achbrack

Alexr. Gordon of Camdell his men

Alexr. ffarquharson & his son in Creachly	Duncan McLaury there
John James & peter ffreemings th ^r	John McAlester there
Wm. Gordon th ^r	Alexr. Robertson in Camdell
John & Wm. Camerons & John Steuart in ffetterletter	Peter Robertson there & his hyre man Paull Watson
Wm. Campbell	Donald Mclean & Andrew Mkclea th ^r

John Grant of Blairfindie his men

John Roy in Logan	Wm. Gordon in Clashdue
John Gordon in Blairfindy	Wm. Turner in Blairfindie

Alexr. Grant of Nevie his men

John & Lodvick Grant his broth ^s	Patrick Steuart th ^r
Thomas Steuart in Clossan	John Mkessack th ^r
James Grant Nevie	John Allenach th ^r

Patrick Steuart of Tambae his men

Thomas Broun in Tullich	Thomas Inoch Lodvick Inoch th ^r
Thomas & Patrick Brouns his sons	Thomas Mackalea th ^r
Alexr. Gald in Tambae	John McIntailor in Auchnasira
James Fleeming th ^r	Wm. Hay in Sachawaich
Donald Due in Achdregine	Robert MckRitchie th ^r
Andrew Bain th ^r	Wm. Mckhamies Roy th ^r
	James Mkgoak in Tombea

Wm. Inash th ^r	James & Robert Galds th ^r
John Mack	James Stephen th ^r
John Mackmack in Nethertoun	Alexr. Bony th ^r
of Achdregine	Alexr. Bain Aucharaich
John Mackamos th ^r	

John Grant of Carran his men

John Grant in Culquich	John Bain in Glenconglass
Alexr. Shaw his servant	Donald Bain th ^r
John Grant his son	Mackaully th ^r
James Grant th ^r	John Riach in Elleg
Wm. Royolus servant	Patrick Mackildery in Ardnier
Wm. Gordon in Bellintman	Alexr. Grant in Achlachan
Arthur Grant th ^r	Allan Bain there
John Mkrobie Carrans mothers	Angus Robertson in Deloniden
serv ^t	Wm. Robertson his son
John Grant in Tomachlogan	Donald Grant in
Thomas Gordon th ^r	Wm. Grant in Inverlochie
Alexr. Riach th ^r	Pat. Grant th ^r
Wm. Riach th ^r	John Grant th ^r
John Gordon th ^r	

Lachlan Grant of Delnabo his men

Grigor ffarqrson in Delnabo	Wm. Grant in Bellabeg
Alaster & James ffarqrsons his	Donald Grant in Lyn
sons	Wm. Grant in Kerachom

Grigor Grant of Dallaverrer his men

John Grant his father	Alexr. Grant his Broth ^r & John
	& James Grant his sons &
	Donald Meldrum his servant

James Grant of Achnahyle his men

Thomas Steuart	Wm. Mckqueen this son & John
Alexr. Steuart his son	Mckeuen y ^{or}
John Grant	John Gordon
James Menzies	Wm. Cruckshank & Wm. Steuart
John Mckqueen	Achnahyles servants

John Grant of Achriachan his men

Duncan Grant Delnaboyn	Alexr. Gordon
Wm. ffarqrson in Achriachan	John Gordon
James ffarqrson thr his son	Duncan Doul tennant
James Gordon thr	Wm. Doul his son
James Mcklachlan there	John MckGeorge tennant & his
John Gald Donald Grant & Paul	son Wm. & Donald Grant
Steuart all Achriachans ser-	tennant
vants	John MckLachlan tennant
James Steuart tennant	John Gald thr
Gavan Steuart his son	Alexr. Grant in Delnaboyn &
John Steuart tennant	Wm. fleeming thr
James Steuart Milner	

Lodvick Gordon of Minnimore his men

Wm. Gordon his son	Wm. Gordon in Upperdunan
John Mcklea in Minnimore	Andrew Crukshank his servant
James Gow thr	Lewis Rotrey in Minnimore
John McKomish thr	

John Steuart of Drumminn his tenants

Wm. Cow in Bridgend of Drum-	Patrick Kamerk alias Steuart in
minn	Easter Inveraune
John Mckmarstin in Cottoun	Alester Grant thr
John Hay thr	John Grant in Mains of Inver-
Donald Verner Drumminns ser-	aune elder
vant	John Grant y ^{or} thr
Thomas Watson also his servant	Donald Cumming in Knockindue
Alaster Grant in Dalvat	John Stuart Mckgillendrish in
Alaster Turner in Dovrachie	Bellenallen
Wm. ffraser his servant	John Grant in Ballivellen
James Allanach in	John Cumming thr
John MckArthur alias Steuart thr	

Duncan Mcklachlan in Inverichbel

Wm. Glass his servant	John Bain in Bellmallen
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The above written is ane exact List of the heretors of the Lands above spec^d who gave Bond to the Commissioners of Justiciary for their mens peaceable behaviour upon the 26th 27th & 28th days of Oct^r 1699 yeirs of the men then given up be them Extracted be

sic subscribit THO: FORBES.

IV.

COMMISSION, LORD FORBES TO LAIRD OF AUCHINTOUL
TO SEARCH FOR AND APPREHEND BROKEN AND
LOOSE MEN, 1700.

BY WILLIAM Lord Forbes on of the Lords of his Majesties Privie
Counsell.

WHERAS wee are informed of the dayly and nightly incursion of
highlanders and other broken and loose men wherby ther are several
depredatoris and houses broken and that it is most convenient such men
as are the committer or abbettors or outhanders should be searcht and
secur'd, As also such stollen goods should be searcht after in howsoever
custody they may found or thought to be in.

These are therfor giveing full power and warrant to the Laird of
Achintoul to search for and aprehend all such loose and broken men as
also all these who are knowen to be conivers receivers and outhanders in
ther committing the forsd crimes, with full power to him likewise to
dacker and search for all such stollen goods and to secure the persons of
those in whose custody they shall be found so that they may be brought
to Justice and hereby I require all persons at somever and in particular
those of his Maties forces to give ther assistance in this so good a worke
as they will be answerable given att Castle Forbes the 3^d of Ja^{ry} 1700.

FORBES.

V.

BONDS BY HERITORS IN PRESBYTERIES OF KINCARDINE
AND ALFORD TO CONCERT MEASURES FOR THE
PEACE OF THE COUNTRY, 1700.

Wee, undersubscribers Heretors in the presbyteries of Kincardine and Alford, having mett heir and having concerted measures for securing our selfs from the violent robberies and depredations that are dailie & nightly comitted in all corners of our countrie Have given power and be this presents gives power to John Farq^rson of invercauld William Forbes y^or of Craigivar Herie farq^rson of Whithouse and Charles Ross of Cloak for Kincardine Presbiterie. Arthour Forbes of Achintoull Roderick Forbes y^or of Brux John Leith of Leithhall and John Gordon of Knockaspak for the presbiterie of Alford to meitt at Kincardine the tenth day of May ensuing and their to meit with John Forbes of Inverernan or any other person who shall make proposalls for securitie and preservation of the Countrie from such robberies and depredations and what the forsaid Com^{rs} shall unanimously conclude anent the premiss We oblige ourselves to homologate and performe conforme to our respective valuations within the said presbyteries In wittness q^r off we have signed thir pnts with our hands att Scotsmill the twentie sixt of Aprile seventein hunder years

Sic Subscribetur

R. Forbes of Brux
G. Gordon of Terpersie
Wm. Leith of Whithaugh
Geo. Wilsone
Jo. Forbes of Invernettie
All. Kerr—Factor to the Earl of
Marr

Forbes
Charles Gordon of Abergeldie
Ro. Ross of Auchlossan
Fr. Farq^rson of Finzean
Alexr. Gordon of Blellack
Geo. Stewart y^r of Inverchatt
J. Chalmerr of Ballnacraig

John Gordon	Ro ^t . Strachan of Kincardin
P. Garioch	J. Innes of Sinahard
Will Ritchie of Bogenquill	Fearq ^r son Baillie to Mar
J. Gordon of Laso	J. Gillanders Baillie to Drum
Nathaniell Fforbes of Argeith	Jo. Farq ^r son of Kirkton of
Jn. Gordon of Knockaspak yor	Aboyne
H. Lumsden of Cushney	G. Forbes of Skelator
Ja. Gordon of Newbigging	Al. Strachan off Glenkindie
F. Gordon of Craig	Duncan Anderson of Candacraig
Geo. Garioch of Kinstair	Lachlan Forbes of Edinglassie
Charles Innes of Belnaboth	James Forbes of Glencarvie
Will Forbes of Belnabodach	Alexr. Forbes of Cullquharie
Jo. Gordon of Hallhead	John Forbes of Descori
K. Garioch of Tillichetlie	Pat. Reid of Haughton
Charles Gordon of Abergeldie	
for the Earle of Aboyne	
Forbes for Craigivar elder	
Auchinhove	
Roshill	
parson of Kincardin	
Cults Gordon	
J. Forbes of Balfluig	
A. Forbes of Invernochtie	

We undersubscribing Hertors Within the Presbitries of Alford and Kincardin Haveing Mett at Scotsmilne the dait of thir presents and Haveing Conserted Measures for Secureing Our selves ffrom the Violent Depredations and robberies that are Daylie and Nightly comitted In all Corners of the saids Presbitries Have unanimously of our owin Goodwill Condescended to Pey ane Merk Scots aff off the Hundreth Pounds of Valued rent to be uplifted and appoynted ffor any Person or persons that shall apprehend the persons off Allaster Moir alias Mckdonald Angus Mckdonald alias the Haked Stier John Mckdonald alias the Laird of Glendy John Roy alias Mckinriach Alaster riach and Donald

Riach Angus Dow Roderick and Alaster MckDonalds sons to Duleowir Allaster or any others whom John ffarquharstone of Invercald Wm fforbes of Craigivar Harie ffarquharstone of Whyt House Roderick fforbes younger off Brux Arthour fforbes of Auchintoule John Leith of Leith Hall and John Gordoune Elder of Knockespick whom the saids Heritors hath appoynted to meit the tent of May next at Kincardine o neill ffor ffurthe secureing the peace of the Countrie SHall Think ffitt to be Apprehended as notorious robbers and thieves And Now seeing John ffarquharstone of Invercald & Wm fforbes of Craigivar ar appoynted Collectors ffor uplifting off the said Merks Scots upon the Hundreth pounds of Valued Rent off each Heritor Within the saids Presbitries Therffor Witt ye us Gentlemen undersubscribers to be Bound and Obliedgie Lyke as be thir presents Wee Bind and Obliedgie us to pay the said Voluntar Contribution wiz. ane Merk Scots aff off each Hundreth Pounds of Our Valued rents to the saids John ffarquharson & Wm fforbess Collectors And that to be peyed Betwixt the dait hierof and the ffyfteint-day of May next one Thousand seven hundreth yiers under Pain of Quartering for the samen upon each Gentleman deficient within the saids Presbitries And the said John ffarquharson and Wm fforbess—Obliedges themselves to Give their Bonds to the saids Gentlemen undersubscribing ffor the said Money whow soon ever Collected ffor Makeing the samen ffurthcumand ffor the fforsaid use wiz. ffyve hundreth merks Scots for apprehending of each of the thrie either dead or alive viz. Alaster Moir alias McDonald John Mcdonald alias Glendey Angus Mcdonald alias Haked Stier and ane hundreth merks ffor each of the others above named and that to any person or persons who shall apprehend any or all the saids Persons of the fforbess robbers And Incaice ther shall be mor of the saids Thieves Apprehended then ther fforbess Pryces can be made up off the fforbess Conlection then how soon the ffond is Less then ffyve hundreth merks Scots be the apprehending of one or Mae the saids thieves Wee oblidge our selves to Meitt or appoynt ane Committy ffor us And Make ane new Stent ffor Makeing up the ffyve hundreth Merks as our ffond ffor Apprehending the saids robbers ay and qill each of them be brought to Justice And also It is condescended upon that any person apprehending ane Sorrener or Lawless man shall have ten pounds Scots for his pains payeable out of the said ffond And Wee oblidge our selves to perform the Premissess In witness wherof wee have *subscryvet*

[illegible]

Handwritten:

thir *presents* at Scots Milne the twenty sext day of Apryll one thousand seven hundreth yiers.

FORBES.

F. Gordon of Craig of Auchindore
 Arth. fforbes of Auchintouell
 Roderick fforbes yor of Brux
 Jo. Leith of Leithhall
 J. Innes off Sinnahard
 J. Forbes, Leslie
 Jo. Farq'son of Kirktown of
 Aboyne
 J. Garioch of Tellichetlie
 Wil. Ritchie of Bogenqueile
 Jn. Forbes of Inverernan
 G. Forbes of Skelater
 J. Forbess of Balfluig
 J. Gordone off Laws
 All. Kerr factor to ye Earl Marr
 Charles Gordon for the Earell of
 Aboyne
 Forbes for Craigivar elder
 Auchinhove
 Cults Gordon
 Parson of Kincardin
 Roshill
 Rob: Strachane of Kincardin
 J. Gillenders Bailly to Drum

J. ffarq'sone of Invercald
 J. Leith of Whyt Haugh
 Charles Gordon of Abergeldie
 Ro. Ross of Auchlossen
 W. fforbes yor Craigivare
 F. Farq'sone Finzeane
 C. Ross of Cloak
 Fra. Farq'sone of Whithous
 George Gordon of Blelack
 Geo. Stewart of Inverchat
 Pat. Reid off Haughton
 Charles Innes off Belnaboth
 Geo. Wilsone ffinzeauch
 J. Garioch in Toux
 A. Gordone of Auchlyne
 J. Gordone of Newbigging
 A. Strachan of Glenkindie
 J. Gordone of Hallhead
 William Forbes of Belnabodach
 Geo. Garioch of Kinstair
 Jo. Forbes of Innernettie
 G. Gordone of Terpersie
 JR. Forbes of Brux

VI.

PROCEEDINGS RELATING TO ALASTER MOR, 1702.

UNTO THE RIGHT HONORABLE The Lord High Chancelor and
Lords of his Majestys most honorable privy
Councell.

The Pettition of Allexr. Mckdonall alies Alaster Mor

Humbly Sheweth

That your poor petitioner being condemned to die upon the 23 inst. by the Comissioners of justicery for the northeron district I shall not now reclaim seing the same is aproven by your lops. But doe Humbly beg and suplicat that your lops. will be pleased to extend that piety and mercy unto me qch your lops. have formerlie done to others as great Criminals as I since the hapy revolution and to Exceit your lops. clemencie and compasion most earnestly beseich ye vill be pleased to consider first the misfortun of my education having bein hithertoo brought up in great ignorance that notwithstanding yrof my greatest enemies have not hithertoo nor can they accuse me of blood murther or any such Barbarity but y^t my leions except or oy^r irregularitys I have been guilty of have proceided either from necessity or my blind compliance with & following thos on whom I depended.

I did still flatter myselfe with hops of saftie because the Comissioners did contrar to your lops. order as I conceived sentencen me to execut agst. a preces determinat tym notwithstanding your lops. act and order to them intimat to sist execution untill the process wer hard before your lops. and your further orders given y^ranent q^rby I have not had thes due and serious thoughts of death and eternity qch ver necessar for on in my condition and ame now most unfitt and unprepared to die Especiallie seing ther is no minester upon the place to exart me y^t can speak my oun languag wherby I ame a poor object of your lops. clemencie & pitie.

I doe y^rfor most earnestly intreat your lops. for my Savior Lord Jesus Christ to take my lamentable condition to your serious consideration and either mittigatt & change my sentance of death to banishment perpetuall imprissonment or q^else your lops. shall think fitt under the severest penaltie of death In case I shall controvin or return to this Kingdome or at least your lops. would be pleased out of pitie and regard to my futur estate and condition to grant me a reprove for such a competent tym as your lops. shall think fitt y^t I may be better prepared and dispose myselfe to die and your poor petitioner for long life & hapiness to his sacred Majestie and your lops. and all prosperity to the Government shall ever pray.

The Lords of his Maies. Privie Councill, considering the forsd. petition presented to them be the forsd. Alexr. McDonald alias Alaster Moir with the former interloquiter of Councill past 8th of Jary. instant for puting the sentence in execution, on the 23th of this instant. The saids Lords have commuted and changed and hereby commutes & changes the sd. sentence of death pronounced by the saids Commissioners of Justitiary for the Northern district, & appointed to have been execut by the forsd. order of Privie Councill from the pain of death, And have revocked & hereby revokes & discharges the sd. former order of privie Councill, (dated 8th of Jary.) from takeing effect or being put to execution, And have discharged & hereby discharges the saids Magistrates of Abd. from puting the s^d sentence (prounounced agst. Al. Mckd. alias Alaster Moir upon the forsd. process, befor the saids Commissionaries of highland Justitiary & mentioned in the sd. order of Privie Councill) to any execution in the day forsaid or at any time hereafter. And the sds. Lords of his Maies. privie Councill never the less hereby require & command the sds Magistrates of Abd. as keepers of the prison, to hold, keep and detain the person of the sd. Alexr. Mckdonald alias Alaster Moir a prisoner, in sure waird firmanee & safe custody, within their Tolbooth, as they will be answerable, till they shall receive the further orders of the sds. Lords of his Maies, privie Councill thereanent. Sic subr. Marchmount Chancellor, Melvill President, Annandale, Lauderdale, Loudon, Northesk, Tarbet, Mongomerie, Lodwick Grant.

Sic Subr. GIL: ELIOT.

intimate to the Magistrates of Aberdeen 21st of Januarie instant.

TO THE RIGHT HONOURABLE The Lords off his Majesties privy Council.

Humbly Sheweth

That when by the good providence of God and Diligence of Brigadeer Maitland Allaster More that nottorious robber cam to be apprehended we lookt upon it as a very special deliverance considering that from his youth up now this very many years beginning with Rebellion against his Majesty he hath bein a continuall depredator and a Ring Leader off Robers robbing with convocations of armed men and westing the poor country in all corners thereof Likas when he cam to be tryed befor us your Lordships have seen what wicked and violent Robberies have been proven agst. him ; yet thes are not the halfe of what he is still guilty of : so that most certainly he is a son of Death, and deserved to die both by the Laws of this and all other well governed Realms nor can it in our humble opinion easily be found that ever the punishment of any notorious Rober was mor necessary and expedient both for the interest of justice, the security of the country and the safty and quiet of all such as ar known to be best affected to his Majesties Government : but this Allaster having aplied to your Lordships purly for grace and favor either for a comutation or reprove hath to our great greif obtained a commutation pretending that by banishment and his giving security the country may be certainly rid of him for the futur.

As to which we beg leave to represent that the punishment of such a nottorious Depredator was not only most just, but Likways might have been most seasonably exemplar.

2ly That commutations albeit acts of Grace yet are in use to be granted only for very speciall causes such as some extraordinary service or some other extraordinary circumstance either in mans triall or in his condition neither of which wer alledged in this case.

3ly His Banishment or offer to secur agst his return we humbly conceive signifie nothing for that he vill return if possible is nott to be doubted since he has had so long a haunt in his wickedness and hath so many rascolls his followers ready to receive and fortifie him : and as for security besids that security is not admissable in maters capital, what can it avall excpt it be to make him mor cautious in his Robberies and

now instead of binding him to move him to kill all that may make the least discovery agst. him or his Cautioners.

Thes being to us very weighty considerations we must with all earnestness most humbly beseech your Lordships to reconsider this wholl affairs and to provide for us and the country concerned such due releife as your Lordships shall find necessary it being to us a mater undoubted, that whill this malefactor lives this country must be in perpetuall Hazard.

And your Lordships petitioners shall ever pray &c.

The petition of the Commissioners of Justiciary of the Highlands for the Northern District and in behalfe that Country.

Edinburgh 2 Febrij 1702.

My Lord,

I have yours, & spoke to My Lord Chancellour so soon as I receaved it: He had not read your Letter, bot was satisfiied when I told him that there was a new Inditement given to Alaster More before the Commissioners of the North district for new crimes. And your Lo. may be assured it will be adverted to that nothing be done upon the late commutation that may withdraw him from this new tryal, And tho the Council if they please may commute de novo, yet I think they will not doe anything to stop or hinder this new tryal. Your Lo. has no doubt heard that the King when applyed to for a remission to Alaster, answered that he had not pardoned robbery & theft in England or Holland, & would not beginne with Scotland. All I intreat is that the tryal may be orderly & fair without exception. I was not for the last commutation, & I am not like to change.

I am, My Lord,

Your Lo. most humble & most obedient servant,

Sic subscribitur JAMES STEWART.

If there be any scruple that Alaster being already condemned cannot be tryed for new crimes, it is not worth the noticing, for a commutation is no remission & taking off onely the effect of the former sentence it leaves him still open to a new tryal upon new crimes, which is my opinion with submission, & I think will not be contraverted.

VII.

CORRESPONDENCE, EARL OF MAR AND MAGISTRATES
OF ABERDEEN, 1714.

Whytehall, August 21 1714.

Gentlemen,

The Lords Justices haveing been informed, That some ill disposed persons at Aberdeen Did, in the night time, and under the disguise of womens apparrell, proclaim the pretender, And that my Lord Justice Clerk has already wrote to you to make enquiry into the said fact, Their Lo^s. have likewise directed me to signifie their commands to you, That you cause the persons who have been guilty of the said treasonable practices to be apprehended, in order to their being prosecuted according to law, And that you transmitt to me ane account of your proceedings herein.

I am, gentlemen,

Your most obedient humble servant so subscribed

MAR.

Directed this

To the Provost and rest of the
Magistrats of Aberdeen.

My Lord

Wee receaved your Lops. letter of the 21st inst. yesternight anent that disorder that fell out here the tenth instant, Wee were enquirying all wee could formerly to find out the actors, and this day we have examined severall persons and find that upon the said tenth instant after midnight some young men attended by sevl women went throw the streets with two viollers playing to them, who played seall. tunnes one whereof wes Lett the King enjoy his own againe, And they came to a fountaine a litle above the Cross and took water in ther hatts and drank the pretender King James his health but cannot learn of any

proclamation made by them Wee have caused search for seall. of the persons wee got account of, but non of them to be found and as we are informed they got ane express about midnight acquainting them of your Lop. order to us being a few hours after ours came to hand. And shall informe our selves all wee cane further in this mater and transmit to your Lop. a full account Only wee thought it our duty to give your Lop. this hint of the mater at this tyme We shall not be wanting on all occasions to testifie our sincere affection to his Majtie King George and the present Governement and to approve ourselves as becometh.

My lord

Your Lop. most humble and most obedient Servants

Abd. 30 Augt. 1714

To The Right Honll. the

Earle of Mar one of his Majties Secretarys of Stat.

3 Septr. 1714.

My Lord,

As wee promised in our last letter to your Lop. of the 30th of August Wee have called befor us all the persons wee could learne that knew any thing of the disorder that wes committed in this place the tenth of the sd. moneth of August last and have examined them most narrowly thereon upon oath and have transmitted to your Lop. herein inclosed ther principall depositions signed by such of them as could write. Wee have lykewayes made severall searches for the persons whom the witness declared to be present at the sd. disorder but can find non of them haveing absconded as wee mentioned in our last upon advertisement its said they gote And besyds George Cuming Jon Urquhart William Gordon and Patrick Forbes live not within the compas of our jurisdiction Wee have written to the Shirref of Murray wⁱⁿ whose jurisdiction Wm. Gordon lives and sent him a copie of your Lops. letter to us, to take notice of him And wee have also acquainted the Shirref to take notice of those that lives in this shyre This is all wee can doe untill we recave your Lops. further commands And none shall be more ready to serve the Governement according to our power then

My lord,

Your lops. most humble and most obedient servts.

VIII.

ADDRESS TO THE KING BY THE SYNOD OF MORAY,
1714-16.

AT ELGIN, Wednesday, October 27th, 1714.
Sessio. 3^{tia}, hora 5^{ta} post meridiem.

There was brought in to the Synod from the Committee of Overtures a draught of ane Address to King George, which being publickly read was approven ; the tenour whereof followes :—

To the King's Most Excellent Majesty.

The humble Address of the Ministers and Elders of the Provincial Synod of Murray met at Elgin this twenty seventh day of Oct^r. 1714.

May it please your Majesty

That never to be forgotton deliverance, the late glorious revolution and the blessed consequence of it, the entail of the Croun upon your Majestys Royal person and family, being the great security under God of all that is dear to us either as men or Christians, it hath alwayes been our delight, as well as our duty, to shew a sincere and zealous concern for that thrice happy settlement of the Croun and to own and profess our firm and steady adherence therto and that notwithstanding the manifold discouragements arising from the violent opposition of your Majestys enemys and ours. Your Majestys accession to the throne being so visibly the return of many earnest prayers to the God of heaven and a remarkable accomplishment of glorious promises to the Church, it is the peculiar comfort of our lives to see your Majesty, the only lafull and rightfull successor to the Croun, so peaceably possessed of it to the just disappointment of a popish pretender and signal defeat of the restless promoters of his interest, against whom and all others whatsoever it

shall be our constant endeavour to defend and support your Majestys righteous title to the throne and the protestant succession in your Royal line to the utmost of our pouer and it shall be our greatest care and study in all instances of duty and loyalty to testify the affecting sense we bear of so great a blessing as your Majestys happy accession to the throne is justly concluded to be by all who have any real concern for the Protestant Religion and the civil rights and libertys of mankind.

May the King of kings establish with righteousness and uphold in mercy that high throne which by a wonderfull concurrence of providences is now adorn'd with your Majestys sacred person ; may your life and government be long preserved and continued for ane effectual bar against popery and arbitrary pouer and ane invincible defence to our holy religion, the doctrine, worship, discipline and Presbyterian government of this Church ; and may your Royal heirs and descendants in all succeeding generations be the glorious instruments of perpetuating these and all the other blessings of your Majestys reign to latest posterity : which shall always be the most sincere and fervent prayer of,

May it please your Majesty,
Your Majestys most obedient, most dutifull, and
most loyal subjects.

Appointed that Mrs. John Gilchrist and Daniel McKenzie write over the said Address in a fair hand and bring in the same to the Synod at their next sederunt to be subscribed by all the members of the Synod ; as also appointed that they bring in to the Synod before their rising the following draughts of letters, viz. : one to his Grace the Duke of Montrose, one of his Majestys principal Secretaries of State, ane other for the Right Honourable the Laird of Grant, and a third for the Very Reverend Mr. William Carstares, Principal of the Colledge of Edinburgh, intreating they would present the Synods Address to his Majesty.

AT ELGIN, Thursday, Oct^r. 28th, 1714, hora 11^{ma} ante meridiem.
Sess. 4^{ta}.

Mrs. John Gilchrist and Daniel McKenzie according to appointment presented the Synods Address to King George written over in a fair

hand, which being again read the same was unanimously signed by the Moderator and all the members of the Synod.

Eodem die hora 5^{ta} post meridiem. Sess. 5^{ta}.

Mr. John Gilchrist according to appointment brought in to the Synod the following letters, viz.: one to the Right Honourable the Laird of Grant, another to the Very Reverend Mr. William Carstares, craving they would present the Synods Address to the King, and a third to his Grace the Duke of Montrose, one of his Majestys principal Secretaries of State, desiring his Grace would introduce the said gentlemen with the said Address to the King: all which letters being read and approven were signed by the Moderator in the Synods name.

Appointed that the Clerk inclose the Address in the letter to the Laird of Grant and send it off with the other letters by the next post to Nicol Spence to be by him forwarded to London.

AT FORRES, Tuesday, Aprile 16th, 1715.

Horâ 6^{ta} post meridiem. Sess. 2^{da}.

Mr. David Henderson, moderator of the late Synod, presented a letter directed to him from the Right Honourable the Laird of Grant bearing that he presented the Synods Address to the King, which his Majesty graciously received and that he caused it to be put in the prints; and further the said Honourable gentleman testifys in his letter his readiness to serve the Synod in what they desire. Wherefore the Synod appointed that a letter of thanks be sent unto him.

AT ELGIN, Wednesday, Octr. 26th, 1715, horâ 8^{va} ante meridiem.
Sess. 2^{da}.

After prayer sederunt *ut supra*.

The Synod considering that this diet was appointed for prayer and after some time was spent in that exercise, severalls of the brethren having prayed, it was recommended unto the respective presbyteries to keep frequent diets for prayer.

The Synod considering that at this time there are but few of the brethren met by reason of the great confusions and troubles in the North occasion'd by the present rebellion against the King and Government and that those who have met cannot without danger and difficulty stay any time from their charges and familys, they therefore delayed the orderly reading the minuts of the late Synod and the expeding their businesse untill it shall please the Lord to settle the present commotions, and therefore they appoint that the minuts of the late Synod be read at the next Synod, which is appointed to be holden at Forress the last twesday of Aprile next ; and they clos'd with prayer.

AT FORRES, Twesday, Aprile 24th, 1716.

Hora 5^{ta} post meridiem. Sess. 2^{da}.

There were brought in to the Synod from the Committee of Overtures the following overtures :—

1^{mo}. The Committee considering that it hath pleased the Lord to favour King George's arms by putting ane end to the unnatural rebellion raised against him and the government in thir lands, and that other Synods in this Church have addressed his Majesty congratulating him upon this gracious providence, they overtur'd that this Synod likewise draw up ane address congratulatory to the King. Which overture being publickly read the Synod unanimously acquiesced thereunto and appointed Mrs. William Stewart, Robert Baillie, Joseph Sanderson and Daniel McKenzie to meet and bring in a draught thereof to the Synod before their rising.

2^{do}. The Committee considering that his Excellency Liewtenant General Cadogan, Commander in chief of his Majesties forces in North Britain, is to be in this toun this night, and further considering that there are severals of the Episcopal incumbents, intruders, and schoolmasters that were either actually ingaged in the late rebellion against the King or assisted the rebels, they overtured that the Synod appoint some of their number to wait upon his Excellency this night and congratulat him upon his good conduct and the success of his Majestys arms under his direction for settling the peace of the countrey ; as also to present the following Memorial to him, viz. :—

That in the bounds of the Presbytrie of INVERNESS Mr. Michael Fraser, intruder in Deviot, assisted the rebels and gave the advice how to reduce the house of Culloden and did not pray for King George ; Mr. Alexr. Denovn, intruder in Pettie, does not pray for the King in terms of law and sometime in October last imployed one of the rebels to preach for him, Mr. Ludovick Grant, intruder in Moy, joynd the rebels and went with McIntosh to Perth.

In the bounds of FORRES Presbytrie Mr. Charles Ross, schoolmaster at Nairn, joynd and continued with the rebels till after the battel of Dunblane.

In the bounds of ELGIN Presbytrie, Mr. John Stewart, who keeps a meetinghouse in the paroch of Duffus, prayed for the Pretender by the title of James the Eight and *nominatim* for the principal persons ingaged in the rebellion ; Mr. Beroald Innes, after his meeting at Forres was shut up because he prayed not for King George, continues his said disloyal practises and yet preaches, baptizes and marrys in the paroch of Alves and the neighbouring paroches ; Mr. George Scot, at Whitewreath in the paroch of Elgin, during the late rebellion prayed for the popish Pretender in the Church of Elgin, being supported in his intrusion there by the rebels : At Fochabers in the paroch of Belly a diligent traffiquing papist, George Panton, teaches the grammar school ; Mr. Alexr. Mitchel there refused to read in his meeting house the Generals orders calling and summonding the rebels to deliver up their arms.

In the bounds of STRATHBOGIE Presbytrie Mr. Alexr. Smith, in Strathbogy, intruded into the church of Gartly, where a minister of the Established Church is planted, the end of September and beginning of October last, prayed *nominatim* for the Pretender and went to Sheriffmuir. Mr. Sibbald intruded into the Church of Keith, which is likewise legally planted, and severall Sabbath dayes during the rebellion prayed for the Pretender.

In the bounds of ABERLOUR Presbytrie Mr. Gordon, Mr. Fraser, and Mr. Ramsay, popish priests, infest the paroches of Inveravin and Kirk-michael where papists abound and are so very insolent and troublesome in perverting the people, spreading false news and using all possible means to keep up the courage of the rebels that some proper measures for curbing them will be of considerable consequence to the Government.

The Synod having heard the overture and memorial, acquiesced therein and appointed Mr. Daniel McKenzie to write over the said Memorial in a fair hand, who, with Mrs. William Stewart, Robert Baillie, Joseph Sanderson, James Chalmers, and the Moderator, were appointed to wait upon the General for the effect forsaied.

AT FORRES, Wednesday, Aprile 25th, 1716, hora 10^{ma} ante meridiem.
Sess. 3^{ta}.

Reported that the Committee appointed to wait upon his Excellency Lieutenant General Cadogan did accordingly wait on him and presented the Synods memorial to him and were kindly receaved, who also promised to take care of the memorial to the Synods satisfaction.

The Synod appointed the respective presbyteries to proceed against all the Episcopal preachers and schoolmasters within their bounds in ane ecclesiastick way who were any way concerned in the late rebellion, and report their diligence to the next Synod.

The Committee appointed to bring in a draught of ane Address to the King presented the same, which being publickly read was unanimously approven ; the tenour whereof followes :—

To the Kings Most Excellent Majesty.

The humble Address of the Ministers and Elders of the Church of Scotland in the counties of Inverness, Nairn, Murray and Banff met in their Provincial Assembly at Forres the twenty fifth day of Aprile seventeen hundred and sixteen years.

May it please your Majesty

We, your Majesties most dutifull and loyal subjects, deeply sensible of the great goodnesse of Almighty God in delivering us from the fatal chains of popery and slavery, the necessary consequences of the late unnatural rebellion had it succeeded, and conscious of the joy with which we are touched in the solid hope of glorious dayes to our holy religion and prosperity to our state under your Majesties auspicious government, find ourselves irresistably moved to express our thankfulnesse to Heaven and communicat our gladnesse with you, Sir, its peculiar care.

Allow us, dread sovereign, from among the numerous throng of joyous reflexions which fill our breasts to make choice of some in which we are particularly interested. Suffer us to observe with pleasure that your Majesty had no enemies but such as were equally so to us and that the Church of Scotland in your victories sees the fruit of her prayers. It is therefore with joy, Great Sir, that we render humble acknowledgments to our gracious God who by his good hand upon us in our publick assemblies when some of them were intruded in a rude and barbarous manner by armed rebels to proclaim their treason and dare us from our duty that notwithstanding their threats and bloody designs God honoured us publickly to assert your undoubted title and assisted us to pray in express terms for your sacred person and royal family and to protest against the insolence of the traitours.

Permit us also to look back with pleasure on the goodnesse of providence and wisdom of our King in the choice of a General to whom the asserting the religion and liberty of our country seems hereditary. Let others repeat his care, his courage and conduct, and let the Kings enemys own how terrible the Duke of Argyle was to their treason. We satisfy ourselves in marking the kind conduct of Heaven in singling out of that great and noble family, which formerly yielded martyrs for our civil and sacred rights, an instrument in our Sovereign's hand for crushing the dire rebellion and triumphing over the hellish combination.

We cannot omit the resolution of some of your Majesties faithfull subjects concerned in these counties in coming north to the hazard of their lives when the rebellion was most formidable, who in conjunction with the rest of the brave and well affected in our bounds gave a sudden turn to our circumstances, particularly in the successfull reduction of Inverness whereby the retreat of the rebels to the northern counties was effectually cut off, since which time the blessings of peace have been enjoyd in that place.

We further presume to declare that we are bound to own your sacred Majesty the father of your people on many accounts, particularly in putting an end to the bold rebellion without further blood by sending such a renowned and sufficient General to these northern parts as Mr. Cadogan, whose fame for watchfulness, activity, courage and conduct, joyned with the firmest fidelity to his prince, hath so confounded the rebels and disconcerted their measures that being stricken with terror

they were glad to surrender at discretion, a manifest token of Heavens constant smiling upon your Majesties cause and that the success which attended that brave souldier and able minister in forraign negotiations continues with him in his management at home.

For what concerns us our present gladnesse points out our duty to us. We will pour forth unfeigned thanks to our Gracious God for such signal mercies, indeavour to impress these under our inspection with loyal principles, and incessantly pray that your Majesties person and government may be blessed and that your house and throne may be established before the Lord for ever.

Appointed that Mr. Daniel McKenzie write over the Address in a fair hand and bring it in to the Synod to be sign'd by the moderator. Also appointed that Mr. Robert Baillie inclose the Address in a letter to the Laird of Grant ihtreating he would present the same to the King, and further appointed that Mr. Baillie send two doubles more of the Address in the letter to Grant, one to be given to the Secretary of State if Grant shall judge it proper, and the other to the Laird of Grant himself.

AT ELGIN, Twesday, Oct^r. 30th, 1716.

Hora 5^{ta} post meridiem. Sess. 2^{da}.

As to the appointment of the late Synod anent presbytries their proceeding against Episcopal preachers and schoolmasters within their bounds who had a scandalous accession to the late unnatural rebellion, the moderator reported that the presbytrie of Invernes have done something that way and are yet in diligence. The presbytrie of Strathbogie reported that they have obeyed the appointment. The presbytrie of Aberlour reported that they had only one Episcopal preacher in their bounds concerned in the rebellion and that he gave in his demission to the presbytrie when conven'd before them and is now removed out of their bounds. Abernethy and Forres presbytries reported that they have none such in their bounds. The presbytrie of Elgin reported that they have got nothing done effectually as yet against any in their bounds.

The Synod having heard the reports of the respective presbytries in the forsaid affair, they appointed that those presbytries who are deficient in diligence with respect to the forsaid Episcopal preachers shall proceed

against them *quam primum* and that in case these preachers be contumacious the presbytrie in whose bounds they are shall require the concurrence of the civil magistrat as to the conveening of either parties or witnesses before them and making the presbyteries sentence effectual.



IX.

EXTRACTS FROM ABERDEEN BURGH RECORDS, 1715-16.

3rd August, 1715.

Act for putting the towne in a posture of defence.

The said day, the provost represented that their being a report that the Highlanders were in some motion and lyke to ryse, and might perhaps attack this towne, he hade called a meeting of the most of the burgess and trades, and took their advice, who all unanimously resolved that the magistrats and counsell should putt the towne in the best posture of defenss that they could, and accordingly the magistrats hade taken advyce of Major Gordon, Captain Stewart, Captain Bannerman, and Captain Erskine, how to fortifie the towne ; which being seriously considered be the counsell, they approved what was already done, and recomended to the magistrats to putt the town in the best posture of defenss they cane, with all convenient speed, and appoynts the thesaurer to pay what money shall be found necessary theranent, and appoynts William Lindsay to be overseer of the said work, and the thesaurer to grant bond for the same.

Eodem die.

Act for buying 200 guns and als many bayenotts.

The said day, the counsell recomends to the provost to buy two hundred stand of Armes, viz., gunns and bayenotts for the use of the towne, with all convenient dilligence.

ROBERT STEWART, provost.

15th September, 1715.

Act for the thesaurer to grant bonds for the soums borrowed be him on the touns account as thesaurer.

The said day, the thesaurer represented that he being allowed by a former act of counsell to borrow some money for the use of the said burgh, and that be the said act he wes appoynted to grant his own band as a private man for the saids sowms, and that now ther being appearance of tumults and confusions thorow the Kingdome, which may interrupt him of geting payment of the funds which ought to pay the saids debts, and therfor desyreing that the counsell would be pleased to allow him to grant bonds for the saids debts, as thesaurer ; which being considered be the magistrats and counsell, they granted, and hereby grants liberty to William Forbes to grant bond as thesaurer for the money borrowed be him in the townes account, and withall recomends to the said thesaurer to be as dilligent in getting payment of the debts due to his charge as if he hade granted his own proper bonds as aforesaid.

15th September, 1715.

Act empowering the dean of gild to give bills for the powder taken up by the merchants by order of government.

The said day, it being represented that the Justice-Clerk hade written to the magistrats, and sent ane order to them to seaze and take up all the powder from the merchants of this towne, and that accordingly they hade receaved from the merchants following the respective quantityes of powder underwritten, viz. from Patrick Ross, merchant, ane half kinken conteining twentie fyue pund weight ; *Item*, from Alexander Gordon, merchant, ane kinken, and ane halfe kinken conteining seventy fyue pund weight ; *Item*, from Alexander Hunter, merchant, two kinkens conteining seventy fyue pund weight : *Item*, from Thomas Niven, merchant, two kinkens conteining eighty ane pund and three quarters of a pund weight : *Item*, from William Crukshank, merchant, one kinken conteining fifty pund weight : *Item*, from William Smith, merchant, two kinkens conteining one hundred pund weight : *Item*, from Jean Anderson, relict of the deceast

Patrick Swape, merchant, one kinken conteining fifty pund weight : *Item*, from George Mowat, merchant, six kinkens conteining three hundered pund weight : *Item*, from William Gordon, merchant, six kinkens conteining three hundered pund weight ; *Item*, from John Middleton, merchant, four kinkens conteining two hundered pund weight : *Item*, from James Bartlet, merchant, one kinken conteining fifty pund weight : *Item*, from William Souper, merchant, six kinkens conteining three hundered pund weight : *Item*, from John Durward, four kinkens conteining two hundered pund weight : *Item*, from Duncan Gordon, merchant, one kinken conteining fifty pund weight ; *Item*, from William Sanson, merchant, six kinkens conteining three hundered pund weight : *Item*, from Alexander Aberdeen, merchant, fyve kinkens and a halfe kinken conteining two hundered seventy fyue pund weight : *Item*, from James Catanach, merchant, seven and a halfe kinkens conteining six hundered twenty fyue pund weight : *Item*, from Alexander Strachan, merchant, four kinken conteining two hundered pund weight : *Item*, from William Ley, merchant, two kinkens and a halfe conteining one hundered and twenty fyue pund weight ; *Item*, from Alexander Ragg, merchant, four kinkens conteining two hundered pund weight : *Item*, from Charles Copland, merchant, two kinkens conteining one hundered pund weight : extending the hail to three thousand six hundered eighty one pund weight and three quarters of a pund weight ; and that the saids magistrats hade agreed with the saids merchants to give them fourty pund Scots money for the hundered weight of the said powder, and accordingly the deane of gild hade given bills for the same to the respective merchants abovenamed, payeable six months after dait ; and that by order of the said Justice-Clerk, the magistrats hade caused send twenty six hundered pund weight of the said powder to Edinburgh, to be delivered according to his Lordships order : Which hail premisses being considered be the magistrats and counsell of Aberdeen they approved of the same dean of gild his granting bills for the said powder in the terms forsaid, and of the saids magistrats ther sending the said quantity for the use of the governement, and thir presents to be warrand to all concerned : As also in respect that Robert Gelly merchant in Aberdeen gave bond that the said quantity of powder sent to Edinburgh should not be exported out of the kingdome, thir presents is also warrand to him for releiving him of the said bond, and of all damages he may sustaine thereby. ROBERT STEWART, provost.

17th September, 1715.

Act for putting the toun in a posture of defence.

The said day, it being represented by the provost to the counsell that ther were great rumours passing as if some insults and inroads were to be made upon this burgh by Highlanders and others, and that therefore it were necessar that the toun were put in as good a posture of defence as is possible, which being considered be the counsell, they unanimously approved thereof, and recomended to the magistrates to cause put the toun in the best posture of defence that can be, and for that end to plant cannon round the toun at the most convenient places, and putt on iron cattbands, and doe every other things requisit theranent, and to deburse and ware out what money shall be requisit anent the premisses out of the common good of the burgh, and intimation to be made hereof by tuck of drum to the inhabitants.

28th September, 1715.

Election of Jacobite Council.

Att Aberdeen, the 28 day of September one thousand sevin hundred and fyftein years, about sun setting a great many of the burgers of gild and tradsemen of this burgh having mett together, and finding that the magistrats and counsell of this burgh hade absented themselves, and made no election of a magistracy and toune counsell for the ensuing year . . . and that the toune could not be without a magistracy and counsell : therfor the said meeting caused make publict intimation by touck of drum through the haille toune, acquainting the inhabitants hereof, and desyreing the haille burgers of gild and free craftsmen to meet the nixt day, being the twenty nynth instant, at eleven o cloack beforenoon, in the New Church of the said burgh, and there to elect and choose magistrats and counsellors by poll for the ensuing year, as hade been formerly practised . . . and accordingly the greatest pairt of the burgers of gild

and free craftsmen of this burgh haveing mett in the said New Church . . . and thereafter the sute roll of the haill burgers of gild and free craftsmen wes called, and severall lists made by sundry persons of a new counsell, and after perusall and consideratione thereof the saids haill burgers of gild and free craftsmen present did unanimously, without a contradictory vote, elect . . . the persons following to be magistrats and counsellors of this burgh . . . till Michaelmass one thousand seven hundred and sixteen years, vizt., Patrick Bannerman, provost ; John Leslie, John Burnet, William Simsone, and James Fyff, baillies ; James Gordon, dean of gild, James Gelly, thesaurer ; Thomas Shand, master of kirk and bridge works ; John Clerk, master of mortifications ; Alexander Strachan, master of hospitall ; Robert Pittendreigh, master of impost ; James Moir of Stonnywood, James Bisset younger of Lessendrum, Alexander Moir of Scotstoune, Captain John Bannerman, Doctor John Gordon, and James Cattanach, merchants, single counsellors ; and Patrick Gray, deacon conveyer of the trades, and George Robertsonsone cordener, as two trades counsellors.

17th October 1715.

Act for 300 Lochaber Axes to the Camp at Perth.

The said day, the provost produced in counsell ane order from John Earle of Marr, commander-in-chiefe of his Majesties forces in Scotland, ordering and requyring the magistrats of Aberdeen to cause make three hundered Lochaber axes, and to send them to the camp at Perth, or where the army should be at the tyme, for which they should be payed how soon the said axes came to hand, conforme to the said order daited the fourteinth day of October instant, which being considered be the saids magistrats and counsel, they recommended to the saids magistrats to cause make the saids three hundered Lochaber axes, and to employ workmen, within the toun and Old Aberdeen for that end, and thereafter to send them to the camp at Perth, or where the army shall be at the tyme, conforme to the said order from the said Earle of Mar.

P. BANNERMAN, provost.

Eodem die.

Act for six moneths cess extending to 200 pounds 10 shillings and 9 pence Sterling.

The said day, the said head court haveing heard the provost lay befor them the occasion of ther being called together at this tyme, and haveing heard the order from the Earle of Marr, commander in chief of his Majestie King James the Eight, his forces in Scotland, daited at the camp in Perth, the sixth of October instant, commanding the magistrats and towne counsell to raise six moneths cess in full of all former cess, extending to the soume of two hundered pund ten shillings and nyn pence sterling money, to be proportioned in the usuall manner, and payed in to collector, to be appoynted be the magistrats and toune counsell of Aberdeen, betwixt and the thirty day of October instant, with certification, if they failled therein, that they would be quartered upon and poynded for the same, and ordained the said order to be published at the mercat cross of Aberdeen, that none might pretend ignorance, and which order wes accordingly published this day at the said mercat cross ; and the same being read and considered in the said head court, and they being at length ripely and weell advised therewith, they unanimously ordained the said six moneths cess to be proportioned amongst the saids inhabitants, and to be payed into collector thereof, to be named by the saids magistrats and counsell, and that betwixt the dait hereof and the said thirty day of October instant, under the certificatione contenit in the above order from the said Earle of Marr.

17th October, 1715.

Act nominating the taxers.

The said day, the counsell takeing into their consideration, that the head court, by their act this day, hade unanimously ordained the sum of two hundered pund ten shillings and nyn pence sterling money, as six moneths cess, in full of all former cess, to be proportioned amongst the inhabitants, and to be payed betwixt and the thirty day of October

instant, conforme to an order from the Earle of Marr, commander in chiefe of his Majestie King James the Eight his forces in Scotland, daited at the camp in Perth the sixth day of October instant, and to the effect the said cess may be proportioned in usuall maner amongst the said inhabitants, the provest, ballies, and counsell nominat and choosed the persons following to be taxers for proportioning and taxing the inhabitants for the said taxation, vizt. John Lesly and John Burnet baillies; William Forbes, late thesaurer; William Souper, James Brebner, Thomas Shand, John Cuming, Patrick Gelly, Andrew Thompsone, George Sincklair, William Smith, Alexander Gordon, Alexander Forbes, youngest, Thomas Niven, and Andrew Whyte, merchants in Aberdeen; James Gelly, thesaurer of Aberdeen; Patrick Gray, wright in Aberdeen; and George Robertstone, cordener in the said burgh.

P. BANNERMAN, provost.

20th October, 1715.

Act for sending a printing press and types and utensills to Perth, and for paying the charges and expenses thereanent, and for granting ane oblidgeement to James Nicoll, printer, for the said press.

The said day, the provost produced ane order subscribed be the Earle of Marr, commander-in-chiefe of his Majesties forces in Scotland, daited at Perth the fourteenth of October instant, directed to the magistrats of Aberdeen ordering them furthwith to deliver to Robert Drummond, servant to Mr. Robert Freebairne, the best printing press, with such typs utensills and other materialls as Mr. Drummond should choise and find necessary, and to see them packed up in good order, and to provyde horsses and proper carriages for transporting them to Perth, or where the army should be at the tyme; after reading of which order, the provost held out that seeing the said press, typs and other utensills did not belong to the town but to James Nicoll, printer, it wes just and reasonable that he should be secured for re-delivery thereof, or the value of the same, and that the thesaurer should advance what money is requisit for makeing boxes and others for holding the same, and for transporting all to Perth, or where the army shall be, and appoynts theasurer to grant ane oblidgeement to the said James Nicoll for returneing the forsaid press,

typs, and utensills to him in also good condition as they wer receaved, and makeing up any deterioration thereof, or paying him the value of the same; as also appoynts the thesaurer to pay what charges shall be debursed for makeing boxes and other carriages for transporting the said press to Perth, or where the army shall be, and for men and horss hyre, and expenses in carrying the same there; and the saids expenses to be allowed to the thesaurer in the first end of the accompts; and the counsell will consider, when the printing press is returned, what loss the said James Nicoll sustains throw the want thereof.

P. BANNERMAN, provost.

26th October, 1715.

Act for intimating the Earle of Mar's orders to the Ministers of Aberdeen.

The said day, it being represented that Mr. Thomas Blackwell, Mr. Collin Campbell, and Mr. Francis Melvill, Ministers of Aberdeen, did always pray for King George as king of these realms, contrair to the orders emmitted by the Earle of Marr, of the daits at Pearth the fourth and fourteenth dayes of October instant, and that it wes incumbent upon them to cause the saids orders to be obeyed; therfor the counsell doe hereby nominat Thomas Shand, master of kirk and bridge works of Aberdeen, to cause read the two orders befor the saids three ministers, and to requyre them to give obedience thereto on Sunday nixt, otherways the magistrats will stope them from preaching thereafter within this burgh; and intimation forsaid is to be maid the morrow about three acloak in the afternoon.

P. BANNERMAN, provost.

27th October, 1715.

Act for stenting and proportioneing of £500 sterling amongst the inhabitants.

The said day, the provost produced a letter from the Earle of Marr, whereof the tenour followes:—Gentlemen The necessity of the Kings

affairs, and the safety of the country at this junctur requyreing that every good Scotsman be assisting to the publict according to his ability, and haveing desyred that the soume of two thousand pund sterling money be borrowed from gentlemen, heretors, particular brugesses, tradesmen, and others resideing within the toune of Aberdeen, for the use of the Kings army, for which they shall have the publict credit, to be repayed with interest from the tyme of the advance, I have therfor thought fitt to acquaint you therewith, that you may proportion it amongst them in such maner as may be most easy for the inhabitants, and most effectuall for raising the said soume. Your speedie compliyanse herewith will prevent further trouble. I am, Gentlemen, your most humble servant (subscrivit,) Mar. From the camp at Perth, October 14, 1715. Directed thus: To the Magistrats and Counsell of the Town of Aberdeen. And also the provost represented that upon receipt of the said letter, he had called togither a great many of the burgers, tradesmen, and inhabitants of this burgh, upon the twenty first day of October instant, who haveing considered the said letter, they found that it was impossible for the towne to raise the forsaid sowme, especially considering that the merchants hade laid out all the money at the Summer mercats, and that ther stocks were abroad lyeing and undisposed of, and therfor it wes proposed to see if fyve hundered pund could be got raised, and that the same should be taxed upon the inhabitants according to their stocks, and that a committy might be chosen to meet with the magistrats to fall upon methods for raising the said soume of five hundered pund sterling, and accordingly the persons following were chosen as a committy for meeting with the forsaid magistrats, for falling upon the most proper wayes for raising the forsaid moneys, viz: Thomas Mitchell, John Allardes, and Robert Stewart, late provosts; James Catanach and Thomas Strachan, late baillies; Andrew Burnet of Elrick, James Brebner, John Douglas, merchants; David Rickart of Rickartoune, Mr. Alex. Davidson of Newtoun, James Davidson of Tillymorgan, Patrick Gray, convener of the trades of Aberdeen, and David Spidiman, late conveener of the saids trades, all personally present at the said meeting, and who, or major part of the meeting for the tyme, are to determine the maner of laying on the forsaid money, and appoynted ther first meeting to be upon Monday nixt at ten acloack beforenoon, with power to them to appoynt their respective meetings thereafter from tyme to tyme, as they think fit, and to

report. And accordingly, upon Monday the twenty fourth of October instant, the haill committy (except the saids John Allardes, Robert Stewart, James Catanach, and Robert Strachan, who were absent) conveened and adjourned themselves to the morrow at eleven acloack beforenoon, and again upon the twenty fyfth of October the haill committy (except the saids John Allardes, Robert Stewart, Thomas Strachan, James Brebner and Patrick Gray, who were absent) conveened, and condiscended and resolved that a head court should be called, and that it be proposed that sixtein persons, with a present baillie be named be the said head court for proportioning the said fyve hundered pund sterling that is to be sent on the publict credit, among the severall inhabitants of this burgh and freedome thereof according to ther respective stocks, and that the said head court be holden this twenty seventh day of October instant, in the Laigh Tolbooth at ten ocloack beforenoon, and that intimation thereof be made by tuck of drum; and that whenever the town is repayed of the forsaid sowme, that every persone who advances a pairt thereof shall get repayment of the same according to the taxt roll, which is to be signed by the haill taxters; all which being read and considered by the said head court, they approved, and hereby approves of the oppinion of the said committy, and agreed unanimously that the said sowme of fyve hundered pund sterling be taxed upon the inhabitants of this burgh, according to their stocks, and the persons following to tax and proportion the same, viz., Thomas Mitchell, John Allardes, Robert Stewart, late Provosts of Aberdeen; George Cruikshank, late baillie; Arthur Forbes, Echt; Robert Moor, John Douglas, William Forbes, Echt; Daniel Farquharson, William Mowat, Alexander Strachan, Alexander Aberdeen, and Thomas Farquharson, merchants in Aberdeen; Mr. Alexander Davidson of Newtoun; James Davidson of Tillymorgan; William Gordon of Govill; Andrew Ritchy of Frosterhill; Doctor John Gordon in Aberdeen; Alexander Charles Advocate there; John Carnegie Litster there; William Lindsay Goldsmith there; David Spidieman, late conveener of the trades; and any one of the present baillies of the said burgh; and appoynts the major part of the meeting for the tyme to be a sufficient quorum, and ther first meeting to be upon Saturday nixt, at ten acloack beforenoon.

P. BANNERMAN, provost.

4th November, 1715.

Act for the thesaurer to borrow money for paying the Lochaber Axes, etc.

The said day, the counsell takeing to ther consideration that the Right Honorable the Earle of Marr, commander-in-chiefe of his Majesties forces in Scotland, have ordered the toun to make three hundered Lochaber axes for the use of his Majesties forces, and to send the same to the camp at Perth, or where the army shall be for the tyme; and that the said Earle of Marr had ordered the towne to send one of the printing presses to the said camp: therfor the magistrats and counsell appoynted James Gelly, thesaurer, to borrow the sowme of from Thomas Shand, master of kirk and bridges work of Aberdeen, for paying the saids Lochaber axes, and defraying the expenses in transporting the same and the said printing press to Perth, or where the army shall be for the tyme.

P. BANNERMAN, provost.

18th January, 1716.

Act for four cannon to be sent to the Marques of Huntly.

The said day, it being represented that the Marquess of Huntly hade use for four cannon and ther carriadges, conforme to his letters direct to the provost thereanent, and that accordingly the same were provyded, viz. two belonging to Alexander Scott, shipmaster, weighting eighteen hundereth and four pund weight, and two belonging to the towne of Aberdeen weighting thirty six hundered three quarters of ane hundered and twenty two pund weight, the counsell appoynt the said four cannons, with ther carriadges wanting wheells, to be put aboard two boats at the shoar at the sight of bailie Burnett and the dean of gild, and to get a receipt for the same from Mr. William Gordon, Kintoir, merchant in the said burgh of Aberdeen, in the Marquess of Huntleys squadron, on the back of the said Marquess letter.

H

21st January, 1716.

Head Court for raising a troupe of horses, and for furnishing them with armes etc. and for taxeing the toune for defraying the charges thereof, and for building and equiping two men of warr for his Majestys service.

The said day, the provost produced the kings proclamation, dated att Scone the tenth day of January instant, requyreing all noblemen, barrons, heritors, wodsetters, and others able to bear armes, to repair to the camp at Perth with ther best horsses arms, and accutriments, under the pains contenit in the act of parliament; after reading of which proclamation, which wes promulgat ouer the cross upon Wednesday last, the provost proposed that for furthering of his Majesties service, the toune should raise a troupe of thirty horsses, weell provyded with armes and all accutriments; as also produced a scheme thereof, and of the expensis of the same extending to four thousand pund Scots money, which should be proportioned and stented upon the inhabitants, conforme to their respective stocks; All which being considered be the said head court, the haill court unanimously approved of the said motion, and hereby appoynted and ordained the forsaid soume of four thousand punds Scots money for the end above exprest, to be taxed and stented upon the said respective inhabitants, conforme to ther severall stocks and abilitys, and the said troupe to be added to and made a pairt of the Earle Marischalls squadron of horss, and recomends to the magistrats and counsell to name taxters for stenting the forsaid sowme, and to cause provyde men, horsses, arms, and all other accutriements reqysit, as also to nominat the officers who are to command the said troupe; and for encourageing of able men to list themselues in the said troupe, the court agrees that any young merchants who engadge shall be made burgers of gild gratis, and any tradesmen who are not prentisses but journeymen, are to be made freemen of the craft both by the towne and trade gratis, the qualifications of the tradesmen being still previously cognosced by the trade; and ordanes all execution necessar to follow upon this present act at the instance of James Gellie, thesaurer of Aberdeen and his successors in office, for bringing in of the said taxation.

P. BANNERMAN, provost.

25th January, 1716.

Act electing a Captaine, Livetennant, and Cornett to command the townes troupe.

The said day, the provost baillies and counsell, conforme to the power given to them by act of head court, of dait the twenty first day of January instant, for nominating officers to command the troupe of thirty horssees, who are to be raised by this towne for furthering of his Majesties Service, they did unanimously elect nominat and choose Captain John Bannerman to be captain of the said troupe, David Ædie, merchant, to be Livetennant, Robert Burnett, junior, merchantt, to be Cornett, and Alexander Bannerman, merchant, to be quarter master of the said troupe.

Eodem die.

Act electing a committy for equipting oute the townes troupe and provydeing them with armes and all other accoutreiments.

The said day, the counsell recommended to the provost, four baillies, Captain John Bannerman, Livetennant David Ædie, Cornet Robert Burnett, James Bisset of Lessendrum, James Catanach, late baillie, Doctor John Gordon, George Keith, advocate, Alexander and William Strachans, merchants, and Patrick Gray, conveener, to be a committy for provyding men, horssees, arms, and all other accutriments requisit for a troupe which is to be raised by the town for his Majesties service, in the terms of the act of head court daited the twenty first day of January instant, and recommends to the said Captain John Bannerman to be conveener of the meeting as he shall find occasion, and ther first meeting to be this day at three acloak in the afternoon.

10th April, 1716.

Act of Privy Council for an interim election of Council.

The said day, the forsaid Robert Stewart produced ane act of the Privie Counsell of Great Britaine ordering the method and maner of election after specified, whereof the tenor followes : Att the court at Saint

James, the tenth day of March one thousand seven hundreded and fyftein, Present, the kings most excellent Majestie in Counsell upon reading this day at the Board a memoriall from the Right Honourable Sir David Dalrymple of Hailes Barronet his Majesties advocat the Right Honorable Adam Cockburne, Esquire of Ormistoune Lord Justice-Clerk, and Sir James Stewart of Goodtrees, Barronet his Majesties solicitor in North Britaine, daited in Edinburgh the twentyth of February last, and directed to the Right Honorable the Lord Viscount Touneshend his Majesties principall Secretary of State, touthching the most proper and effectuall method of resetting the magistracy of severall towns in North Britaine in such maner as may most contribute to the restoreing of the peace of those towns, and to the secureing thereof for the future ; and whereas it hath been represented to his Majestie that severall burghs in North Britaine were, at Michaelmass last (the ordinary and legall tyme of ther electing magistrats,) either entirely hindered from making such elections according to ther severall constitutions, or that where the formality of elections was observed, being then under the power and impression of the rebells, the freedome of such elections wes thereby restrained, and the burgh of Aberdeen in particular haveing lain under such of the lyke circumstances befor mentioned, his Majestie in Counsell takeing the same into consideration, does think fitt for restoreing the peace and good governement of the said burgh, to order, and it is hereby ordered, that the magistrats who served in the burgh of Aberdeen for the year last bypast shall, and they are hereby authorised and requyred on the tenth day of Aprill nixt to proceed to the election of magistrats and counsell to serve in the said burgh from the tenth day of Aprill forsaid untill the ordinary tyme of the annuall change of the magistrats and counsell of the said burgh in the year 1716, in such maner as they ought to have done if they had not been disturbed by the late rebellione ; and from thenceforward that the proceedure in the electione of magistrats be continued according to the constitution, setts, and customs of the said burgh, off which all persons concerned are to take notice, and to give due obedience to his Majesties pleasure herein signified (so subscriyed) William Blethwayt. According to which act of Privie Counsell, the saids late provost and baillies proceided to qualifie themselves in the terms of law, by swearing the oaths of allegiance supremacy and abjuration, and subscribeing the same, with the assurance, in the terms of the

late act of parliament holden in the first year of the reigne of his Majesty King George ; and therafter they proceeded to the electing of magistrats and counsellors to serve in the said burgh of Aberdeen, from the said tenth day of Aprill instant to Michaelmess nixt to come, and accordingly they elected the thirteen burgers following, to be upon the new counsell for the space above exprest viz., Thomas Mitchell, junior, Arthur Forbes, Mr. William Gelly, Patrick Forbes, John Middleton, Daniel Farquharson, James Bartlet, James Black, William Cruden, Mr. George Reith, Alexr. Forbes of Ludquharne, William Taylor, and George Mowatt, merchants in Aberdeen.

12th April, 1716.

Act for addressing his Majestie.

The said day, the provost represented that seeing it hade pleased God to restore this counsell againe, and that our Sovereigne Lord King George in Counsell hade granted ane Act of Privie Counsell for the electing of this magistracy and counsell, and that therfore it is most reasoneable to address his Majestie ; which being considered be the counsell, they approuved of the forsaid motion made by the provost as highly reasoneable, and ther greatest duety at this junctur ; and therfor they appoynted ane address to be drawn up and sent to his Majestie, and recomends to the provost, baillies Fordyce and Gelly, provost Gordone and Ludquharne to draw the said address, and afterwards to be signed by the provost for the counsell, and whereof the tenor follows : To the Kings Most Excellent Majestie, the humble Address of the Magistrats and Town Counsell of Aberdeen. Most Gracious Soveraign, As it wes our greatest honour to be among the royale burghs on this syde of Tay who were most maltreated for adhering to the present gouvernement, so being now restored to our office by your Majesties order of ellection would not but take the first opportunity of congratulating the wisest and best of kings on the late great and happie turn of affairs in these northern pairts, in bringing about of which your Majestys excellent generall his Grace the Duke of Argyll, had so good a share, and to whose speedy assistance and prudent manadgement this oppressed city wes exceedingly obliged, especially seeing we so far differ from those who illegally assumed the magistracy in this place and others (in ther late addresses), as firmly to believe that

instead of Britains happieness being anywayes connected with the Pretenders succession, the absolute ruine of our Church and State by Popery and tyrannie had been the fatall consequence thereof; whereas, Great Sir, we being, on the other hand, fully satisfied that all our valueable sacred and ciuill interests dependeth (under God) on your Majesty, and the established succession in your royall family, we joyfully take this occasion of assuring your Majesty, that upon all events whatsomever we are ready with our lyues and fortunes to stand by the Protestant Succession as settled by law.

That ane Almighty God may greatly establish your Majesties throne, and that the scepter of these realmes may continue to be swayed by one of your royall progeny to latest posterity, is, and shall ever be, the hearty prayer of, may it please your Majesty, your Majesties most faithfull, most loyall, and obedient subjects, signed in name and by appoyntment of the magistrats & towne counsell.

Sic Subscribitur

ROBERT STEWART, provost.

12th April, 1716.

Acts of the late Council rescinded.

The said day, the provost, baillies, and counsell, newly elected by warrand of the Privie Counsell of Great Britaine, declare that it is ther opinion that those who assumed the government of this burgh as magistrats and counsellors, the twenty nynth of September last bypast, were not lawfully called thereto, so that the same wes ane illegall counsell, and consequently ther acts and orders were illegall, and are hereby rescinded.

24th September, 1716.

The names of those made burgesses during the rebellion to be deleted.

The said day, the provost, baillies, and counsell, ordained the hail persons names who were made burgers the tyme of the late rebellion, from the thirty day of September last bypast m. vii^e. fyftein yeirs to the twenty fyfth day of January last inclusive, to be delet out of the burger book, and which wes accordingly done in counsell.

X.

PROOF OF SEVERAL PERSONS BEING FORCED TO THE
REBELLION 1715 BY THE EARL OF MAR.

Att Kirktoune of Alford the fifteenth day of March One thousand seven hundred and sixteen Att a Justice of peace Court holden by Sir William Forbes of Craigévar, Arthur Forbes of Breda, and Archbald Forbes Putachie, Justices of the peace for the County being mett by virtue of a warrant from his Grace the Duke of Argyll, for disarming the country.

The said day Compeared David Lumsden of Cushney, and desired the saids Justices would be pleased to take the affidavits of some witnesses to prove That Henry Lumsden and Robert Reid Vassals to the Earle of Marr re^d. in the Lordship and Regality of Kildrummy, and Alexander Gordon, Jerom Dumbarr, Robert Grant, William Grant, James Rae, William Mare, William Davidstone, Robert Hendersone, Thomas Cook, William Gray, Francis Fergusone, John Finnie and Thomas Forbes All tennenty to the s^d David Lumsden, who is also a Vassall of the said Earle of Marr's within the said Lordship and Regality of Kildrummy, who were all taken prisoners at Preston in the Moneth of November last, And that they were all forced to be in the Rebellion by the threats and fine of the Earle of Marr, and those directed by him, which desire the saids Justices thought reasonable and called before them the following witnesses to prove the said force and concussion.

Compeared William Tough in Nedher Kildrummy, Married Man, Aged Seventie years and above, who being solemnly sworn, And purged of partiall Counsell Depones that he knowes all the persons contained in the above list, And that they all lived in the Lordship and Regality of Kildrummy, And that they were forced and Compelled to go out in the unhappy Rebellion much against their inclina'n, And that they did to

be free of the same, Flee from their houses for severall dayes, And that by My Lord Marrs order, Parties were sent, who did sett fire to their houses, and corn-yards, And that after they had absconded for severall dayes, They were taken prisoners by the saids parties, And were sent prisoners to Braemar, where my Lord Marr then was, And that he lives in the Neighbourhood, and knows all to be true, being an ey witness of the same. And this is the truth, as he shall Answer to God.

Juravit coram nobis.

W. TOUCH.

W. fforbes J.p.

Arth: Forbes J.p.

AR. Forbes J.p.

Compeared Alexander Ferres Easter Clova in the parioch of Kildrummy, Married Man, Aged Fourty years or thereby, who being solemnly sworn, and purged of partiall Counsell being interrogatt, what he knows of the abovenamed persons their being in the late Unhappy Rebellion, and whether they were forced by the Earle of Marr, and parties sent by him Depones conform to the deposition of the above William Tough in every Article, And that he knows all to be true because he lives in the Neighbourhood, And this is the truth as he shall answer to God, being eyewitness thereto, And depones he cannot write and Impowers George Ross Notar publick to subscribe for him.

At command of the said Alexander Ferres deponent who cannot write himself I George Ross notar publick subscribe for him.

Juravit coram Nobis.

G. ROSS n: p:

W. fforbes J.p.

Arth: Forbes J.p.

AR. Forbes J.p.

Compeared Charles Reid in Mains of Kildrummy, Unmarried Man, Aged Twenty four years or thereby, who being solemnly sworn, And purged of partiall Counsell, being interrogatt, what he knowes of the above named persons their being in the late unhappy Rebellion, And whether they were forced by the Earle of Marr, and parties sent by him. Depones conform to the deposition of the above William Tough and

Alexander Ferres in every Article, And that he knows all to be true, because he lives in the Neighbourhood, And this is the truth as he shall answer to God, being an eyewitness thereto.

Juravit coram nobis.

CHARLES REID.

W. Forbes J.p.

Arth Forbes J.p.

AR. Forbes J.p.

Compeared William Tough in Nedher Kildrummy, Married Man, Aged forty four years or thereby who being solemnly sworn, and purged of partiall Counsell, being interrogat q^t he knowes of the @ named persons, their being in the late unhappy Rebellion, And whether they were forced by the Earle of Marr, And parties sent by him, Depones conform to the deposition of the above William Tough, Alexr. Ferres, and Charles Reid, in every Article And that he knows all to be true, because he lives in the Neighbourhood, being an eye witness thereto, And this is the truth as he shall answer to God.

Juravit coram nobis.

WILLIAM TOWCH.

W. Forbes J:p.

Arth: Forbes J:p.

AR^c. Forbes J:p.

Compeared William Cordwainer in Mains of Kildrummy, Married Man, Aged about twenty four years, who being solemnly sworn, And purged of partiall Counsell, Being interrogatt what he knows of the @ named persons, their being in the late unhappy rebellion, and whether they were forced by the Earle of Marr, and parties sent by him Depones conform to the depositions of the above William Tough, Alexr. Ferres, Charles Reid, and William Tough in every article, And that he knows all to be true, Because he lives in the Neighbourhood, being an eye witness thereto, And this is the truth, as he shall answer to God.

Juravit coram nobis.

WILLIAM CORDONER.

W. Forbes J:p.

Arth: Forbes J:p.

AR^c. Forbes J.p.

Compeared William Gibbon in Mid Clova (?) in the parish of Kildrummy, Married Man, Aged about thirty years, who being solemnly sworn, and purged of partiall Counsell being interrogatt q^t he knows of the @ named persons, their being in the late unhappy rebellion and whether they were forced by the Earle of Marr and parties sent by him Depones conform to the deposition of the above William Tough, Alexr. Ferres, Charles Reid, William Tough and William Cordonier in every article, and that he knowes all to be true, Because he lives in the Neighbourhood, being ane eye witness thereto, And this is the truth, As he shall answer to God.

Juravit coram nobis.

WILAM GIBON.

W. fforbes J:p.

Arth: Forbes J:p.

AR^c. Forbes J:p.

Compeared William Young in Bog-heads in the parish of Auchindore, Married Man, Aged about Fifty years who being solemnly sworn, and purged of partiall Counsell, being interrogat what he knowes of the @ named persons, their being in the late Unhappy rebellion, And whether they were forced by the Earle of Marr, And parties sent by him Depones conform to the depositions of the above William Tough, Alexr. Ferres, Charles Reid, William Tough and William Gibbon in every article, and that he knowes all to be true, Because he lives in the Neighbourhood, being ane eye witness thereto, And this is the truth, As he shall answer to God.

WILLIAM YOUNG.

W. fforbes J:p.

Arth Forbes J:p.

AR^c. Forbes J:p.

The above Justices have signed the depositions of the respective witnesses above sett doun, And there did appear severall other witnesses, who live in the Neighbourhood of the above persons now Prisoners, who were taken att Preston, That they were all press'd and forc'd to be in the Rebellion, as is depon'd by the @ witnesses, But they did think the depositions of the above witnesses were sufficient to prove the force and oppression they mett with to be sufficient as the Occasion of their in the Rebellion. The truth of all which is

and Sealls at Alford date forsaid.

W. fforbes J:p.

Arth: Forbes J:p.

AR^c. Forbes J:p.

XI.

PETITION BY ALEXANDER GORDON, YOUNGER OF
AUCHLYNE, 1715.

TO THE KING'S MOST EXCELENT MAJESTY. The Petition of
Alexander Gordon Yonger of Auchlyn in the County of
Aberdein Esqur. [1715.]

Humbly Sheweth

That the petitioner hes alwayes bein most zealus for the protestant succession in your Mayes person, and family, and being att Aberdein, att the beginning of the late unaturall rebellion, and hearing, that a party of eightein men, of the rebells, were to proclame, the pretender to wards midnight, he wynt and attacked them, with his servant wounded nyne of them, and hindred the pretenders being proclaimed att that tyme, and that itt was, the first blood that was draven, and the first advantage, that was obtained, in Scotland, in your Majestys cause.

That the petitioner hes bein thryse emprisoned, for the above said servise, by the Rebells, viz: att Aberdein, Huntly, and Pearth and was conducted, from Huntly, to Pearth, to suffer ther, publickly, for his above disloyallty (as they called itt) but he fortunatly made his escape, and shuned the punishment, they had resolved to inflick on him.

That in the beginning, of the said Rebellion, the Petitioner publickly advysed the Marquis of Huntly, in presence of severall of his rebellious adherents, to forbear his preparationes and after the said Marquis was marched, to Pearth, with his army, the petitioner advysed him again, from Edinburgh wheir he then was, to go home and brake with Mar, and the pretender, and hearing, that some diferenses, were arissen, betwixt the sd Marquis, and Mar, the petitioner by means of the latte Deuck of Gordon, improved them to ane ruptur.

That itt was the Petitioner, that advysed and preuall'd, with the sd Marquis, to surrender himself to your Majesty, bein convinsed, itt was not only, the only means of securing, and obtaining his own safty but which the petitioner knew wold efectually, end the rebellion.

That the petitioners house, was plundered, his lands wested, his corns, cattell, horrses, arms, &c. caryed away and hes lost above 3000 £ sterling, for his firm adhering to his Majesty.

That the petitioner passed the forth three tymes, from Edinburgh, to Pearth, inognito, to the great danger of his lyfe, to observe the Rebels, and that he prevailed, with above 3,000 to desert, and cary away ther arms and also with Mar, and the Pretender's centries, who by that means, have frequently bein without Gards, att ther dours and the better to succed in that desyne, he advysed on of his own men, who was in the rebellion, with the petitioner's bruther to feing him self mad, and to cry publickly Country men, Rebellion, is not your busyness, retyre and go home, which encouraged many, and indussed severalls to desert.

That the petitioner gave advyse, to Brigadier Preston, by letter, that ther was, ane desyne to surpryse the Castell of Edinburgh, by means of one Cumming, ane disafected ofisher therin, and of the precise tyme, itt was to be putt in execution, and the sd ofisher being secured, that desyne of the rebells miscaryed, and gave to the justise clerk, an complete list, of all the rebell gentry, and justises of peace of these countys.

That the petitioner is not secure, in his own country, when ther, because of the zeall, he has shewed for his Majesty, that he hes often writt to the Lord Forbes lovetenant, to London, to come to the said country whair he and some other gentelmen, wold joyn him, and that by clandestine means, he is struck out of the commissions of the peace, because he had bein active as such, in disarming the rebells.

That the petitioner, was the only gentelman of the name of Gordon, and of all the County of Aberdein, who by his counsell, and example encouraged the people, to be firm to his Majesty, that he exposed, and lessned the order, and conduct of the rebells, and extolled the strenth and success, of his Majesty's arms, that att all elections of members of Parliament, he alwayes wotted, for those who were for the protestant succession, in your Majesty's family, and his indevors and influence, in your Majesty's cause seldom, fealled of the desyred success.

That your petitioner att Edr. the last sumer when the country was all in a heat about the malt tax at the desyre of Mr. Ross and the other Comrs. of custom and excyse did wryt to his frenes to pay the malt duty peceably and gav the first example of payment himself.

That what is most of all greiving and prejudicall to the petitioner is that for his zeal and great loyalty for your Maj. and your royall family his unnaturall father hes disinherited him of his whole landed estate amounting to neer 500 pound sterling a year and hes settled the same in favours of a second younger brothers son tho a fool, the younger brother having been very in that rebellion and that the petitioner hes not restored ony part of the sd estate since the rebellion to this tyme and that he hes been excluded from the whole estate and disinherited

of being zealous and active for his majesty's government.

That the petitioner having done all these great services above said and sufered the wrongs and loses above mentioned of his whole personall and land estate &c. and his case being most singular.

Wherfor as your majes. humble petioner hes bein a long whyle depending from the rebelion to this tyme, and being reduced to straits he humbly presumes to throw himself at your Majes. feet to intreat for your consideration for his great lososes and services and issue releif in the present case as to your Majes. in your great wisdom and goodness shall seem most meitt.

And your petioner as in deuty bound shall ever pray.

XII.

EXTRACTS FROM PRESBYTERY BOOKS OF ALFORD, 1715.

"Alford Kirk, October 24th, 1715.

"The Presbytery being called by circular letter from the Moderator, convened, and constitute by prayer, did elect Master Law Moderator, and continued Master Leask Clerk.

"The Presbytery taking under consideration the reasons why they did not meet at this place, September 14th according to their adjournment August 24th, found it was to be owing to the unnaturall and unhappy rebellion, which was then beginning to rage within the bowells of this land, and continues so to do, which rendered it unsafe for them to keep their ordinary publick meetings, found also that the said rebellion was so far from being yet suppressed, that it was become more strong, and boasting; that the rebells insulted ministers, searched their houses, and spoiled their goods; that the country was in such a ferment and confusion as that discipline could not be exercised against delinquents, who would contemn their authority. Therefore they did agree to supersede and delay their ordinary Presbyteriall meetings till the Lord extinguish the flame, and bring matters into their right channells, and appointed, the brethren be South Done to meet as frequently, by turns, at one another's houses as the present circumstances of affairs would permitt, in order to encourage and strengthen one another, and to exercise themselves in those duties the present posture of affairs is loudly calling for, and unto; and such as live on the other side of the water to meet likewise among themselves, for the ends foresaid."

"Towie of Clate, January 4th, 1716.

"The Presbytery being called did take under consideration the cause of their meeting at this place to-day, viz., its being presumeable

the Pretender being now landed in this northern part of the kingdome, and gone to the rebels, there would be a proclamation issued forth by the said rebels enjoining and commanding a day of rejoicing and thanksgiving to be observed for his safe arrivall, and the severall members being enquired, nominatim, Whether or not they would obey any such proclamation, if it should be published, and they required by the rebels so to do, all of them answered, they were resolved, through God's grace, never to be guilty of any such sinfull compliance, or anyways accessory to the rebellion, but firmly to adhere to his Majesty King George, and present government. Whereupon being exhorted to stedfastness, the Presbytery closed with prayer."

"Alford Kirk, February 22d, 1716.

"The Presbytery being called by circular letter, convened, and constitute by prayer, and taking into their consideration that, among other treasonable papers published by the rebels, there had been a proclamation issued out by them, requiring ministers to keep a day of rejoicing and thanksgiving in, and with their severall congregations, and that for the safe arrivall of King James the Eighth, as he is designed therein, that also the said rebels are now dispersed, and the rebellion crushed, did, in pursuance of what was done at Clate January fourth, agree that every member present should be enquired if they had observed the said thanksgiving, or contribute anything to the rebellion, or if they had owned and adhered to our happy establishment in Church and State, and accordingly every one of them being interrogate, answered, that they had been helped to evidence their firm adherence to the present government of Church and State, and to testifie in their capacity against the now suppressed usurpation and rebellion. The Presbytery being sufficiently informed that Mr. Alexander Law, now absent, had observed the said thanksgiving for the pretender's arrivall, upon the 2d of this current month with his congregation, that the said Mr. Law had prayed for the said pretender, under the designation of King James the Eighth, or in such terms as his congregation understood he was the person intended; that he neglected to pray for his Majestie King George nominatim, or in such words as his auditory could gather he was the person meant by him, and that contrary to his judicciall engagement at Towie of Clate January

4th, and his practice in private meetings with his brethren since the rebellion did begin. Whereupon the Presbytery appointed their next meeting to be at Alford the 27th of this current month, and Mr. Johnstone, who had been chosen Moderator, undertook to cause summond the foresaid Mr. Law to the foresaid dyet, and to deliver him the following libell viz. That contrary to his duty, his judiciall engagement, and his practice in private societies with his brethren, he had espoused the cause and interest of a Popish pretender, and deserted the Protestant interest, and that by praying for the said Popish pretender, under the designation of King James the Eight, or in such terms as his hearers knew he meant him, and that upon the 2d of February last, or upon one or other of the days of November, December, or January, last bypast, that he observed the 2d day of February last as a day of thanksgiving for the arrivall of the said Popish pretender, that he neglected to pray for his Majestie King George nominatim, or in such expressions as his auditory understood he was the person intended."

"Alford Kirk, February 27th, 1716.

"After prayer &c. . . .

"The Presbytery finding by Mr. Garioch's report that Mr. Law had not been cited to this dyet, and that the said Mr. Law is not in caice to come this length at present, in regard of bodily indisposition, appointed to meet at Clate March the 14th, and their officer to summond the said Mr. Law to that place, to deliver to him a copy of the lybell, which, for that end, was given to the said officer."

"Kirk of Clate, March 14th, 1716.

"After prayer &c. . . .

"The officer gave in ane execution, bearing that he had summonded Mr. Alexander Law to this dyet, which being read, and sustained, and the said Mr. Law called, compeared, owned that he had been cited, and gotten a double of the lybell, and he having the severall articles of the libell proposed to him, answered, That he never, as far as his memory could serve him, prayed for the Popish pretender under the name of King James the Eight; that he behoved to own he did read a proclamation issued forth by the rebels, and in pursuance thereof did observe that

thanksgiving for the said pretender's arrivall; that when he named any King nominatim, in prayer, he did name King George, and at other times, when he prayed, he did pray for the prince, and the rest of the royall family, and his naming King George so frequently before August last, might make him suppose that all his parish understood he meant him still; that upon the 2d of February he owned he prayed only for the King's Majesty in generall terms, and what the people's thoughts were he could not tell. He owned that it was his mind at Towie January 4th, that if any proclamation should come for a thanksgiving, it should be rejected, but his circumstances laid him under temptation, being very singular, which he is now heartily sorry for complying with. Afterwards Mr. Law being removed, and the Presbytery having considered his answers to the severall queries grounded upon the lybell, Found, primo, that he had observed the said 2d of February as a day of thanksgiving for the safe arrivall of a Popish pretender in this kingdome, in and with his parish, and that in obedience to the proclamation issued forth by the rebells, and that notwithstanding of his having engaged and declared judicially January 4th, he would not comply with any such proclamation as he now confesses. Secundo That he prayed only for the King's Majestie in generall the foresaid 2d of February, which, compared with his way of praying for the King at other times, and with the present occasion he and his congregation were mett about, gave them just ground to think he meant King James, as the rebells stiled him, for whom he and they were observing that thanksgiving day, which he himself is afraid to deny in his answers. Whereupon they judged him censureable, and stated the vote thus, Suspend, and referr Mr. Law to the Synod for further censure; or Depose instantly. And then Mr. Law being called in told he had nothing to add, but only this, that he hoped his brethren would use lenity towards him in this matter, and having joyned with them in prayer to God, he again removed, and the rolls being called, and votes marked, it carried, Suspend and referr to the Synod, which Mr. Law being called in had intimate to him, and was cited apud acta to compear befor the Synod, the first Tuesday of Aprile, at Aberdene, with continuation, and Mr. John Gordon was appointed to preach at Kern Sabbath come eight days, and to intimate this sentence, and Mr. Garioch to supply Glenbucket the said day, and ane extract to be laid befor the Synod."

In same Minute as the above occurs the following :—

“The Presbytery considering that Masters Andrew Livingston, Episcopall Incumbent at Keig, Andrew Jeffray at Alford, John Robertson at Strathdone, and John Alexander at Kildrummy, had given great scandall to all the true friends of the Reformed Protestant Interest, and of our present happie establishment in Church and State in this corner, and that by abetting, encourageing and assisting the late unnaturall and wicked rebellion, by their observing fasts and thanksgivings in obedience to the rebells' proclamations, by their praying for the Popish pretender, under the name and title of King James the Eight, and by praying for success to the rebells' arms; considering also that they are like to meet with great opposition from the said Episcopall Incumbents, and their many friends, in the prosecution of this affair, and therefore had need of the best advice, did appoint Mr. Copland to write to the Kirk Advocat and Agent at Edinburgh for advice, wherewith Mr. Patrick Gordon is to acquaint him; and in the meanwhile delayed any further procedure in this affair, till they have advice from the Synod to sitt at Aberdene Aprile next; and a return from Edinburgh.”

“Alford Kirk, April 18th, 1716.

“The Presbytery finding that the extract of Mr. Law's Process had been laid befor the Synod, and that the said Synod had deposed him and appointed Mr. Garioch to preach at Kern, and to intimat the said sentence of deposition there, enquired at Mr. Garioch if he had obeyed the Synod's appointment, who declared he had.”

“Alford Kirk, May 2d, 1716.

“After prayer &c.

“The Clerk, in obedience to the appointment of the Presbytery, Aprile 18th, produced a draught of three lybells. The Presbytery considering that they were only as yet come to the knowledge of such as may be presumed the fittest witnesses against Mr. Andrew Levingstone at Keig, and that the said Mr. Levingstone, (notwithstanding of his having previous to the rebellion, sworn the Abjuration and the Alledgiance, subscribed the Assurance, and prayed for his Majestie King George) had yet engaged in the rebellion, and thereby given greater scandall than his

three brethren who had not qualified to government under Queen Anne, as also that it would be proper to discuss one of the processes of these incumbents ere they commenced another, did agree to begin with the said Mr. Levingstone's process, and to give him the following lybell viz. The Presbytery of Alford taking to consideration that Mr. Andrew Levingstone having been incumbent in the Church of Keig at the happy Revolution, did pretend to have taken the oaths to the civill government, and subscribed the Assurance, did continue to exercise the holy ministry there, under the protection of the law. Yet nevertheless it is alledged that the said Mr. Levingstone hath engaged himself in the late unnaturall and unjust rebellion against our gracious, and only lawfull, and rightfull Sovereign King George, in order to dethrone his Majestie, and overturn and destroy the Protestant succession in his royall family, and to install a Popish pretender on the throne of these realms, to the utter subversion of the true Protestant religion, with our laws and liberties, and did upon the 2d day of February last, or ane or other of the days of the months of September, October, November, December, January, or February last, publickly in the foresaid Church pray for the Popish pretender, under the name and title of King James the Eight, keep a publick fast upon the 24th of November, or ane or other of the days of September, October, November, December, January, or February last, for the success of his wicked undertaking, and also a day of thanksgiving upon the 2d of February, or one or other of the days of the abovenamed months, for his safe arrivall in Scotland; did read or suffer to be read from the pulpit of the said Church diverse proclamations or orders, emitted by the pretender's authority for paying cess or contributions to him, and levying men for his service, casting off all regard for our only lawfull and rightfull Sovereign King George, and neglecting to pray for his Majestie although required thereto by authority. By all which, the said Mr. Levingstone has deserted the Protestant cause, and espoused the interests of a Popish pretender, contrare to his duty, and the obligations he is under, and is guilty of a very atrocious scandall, and is a person of unsound principles, and is art and part of that most wicked design and contrivance that has been formed and carrying on for extirpating the Protestant religion, and destroying its professors, and to overturn the present happy establishment in this land, and instead thereof to introduce and settle Popery, and arbitrary power among us. The double of which lybell being subscribed

by the Moderator and Clerk, and having a list of the witnesses to be made use of for proving the severall articles therein, affixed thereto, was delivered to the Presbytery officer William Rait, who was appointed to deliver the said lybell, and list of witnesses to, and to summond, the said Mr. Levingstone to appear befor the Presbytery, at this place, May the 30th, together with all the said witnesses, for which end he is to call timeously for the written summondesses to be given to the said Mr. Levingstone and witnesses, from Mr. Midletone, who is to have them in readiness, and together with Mr. Thain, to provide the officer with two witnesses to go along with him in laying on the citations."

"Alford, May 30th, 1716.

"After prayer &c.

"The officer produced an execution, bearing that he had summoned Mr. Andrew Levingstone at Keig to this dyet, given him a copy of the lybell, and a list of the witnesses, which was read and sustained. He gave in also another execution, bearing that he had cited the following witnesses viz. Patrick Garioch of Tulloch, James Reid in Little Caty, James Wilson there, William in Cevidily, Patrick Adam in Wood of Putachy, James Fulerton in Ennygathell, John Anderson in Braehead, David Anderson in Mill of Craigpot, Alexander Wilson in Newton, James Donald in Heughhead, James Sievwright in Cobbleseat, Adam Bonner Beddall at Keig, John Coutts in Burnside of Keig, Patrick Mackie in Achredachy, Alexander Adam in Crofts of Tulloch, and Alexander Clerihue in Muirhead, which was also read and sustained, and the said Mr. Levingstone with the foresaid witnesses were called, but none of them compearing, the Presbytery appointed their officer to summond both party and witnesses to compear befor them at this place, June 20th, and that for the second time."

"Alford Kirk, June 20th, 1716.

"After prayer &c.

"The officer gave in ane execution bearing that he had summoned Mr. Levingstone at Keig to this dyet, and another execution signifying that he had cited the witnesses for proving the lybell given to the said

Mr. Levingston, which were both read and sustained. Whereupon the Presbytery having caused call the said Mr. Levingstone, he compeared, and owned he had been cited to compear, and having heard the lybell read over to him, and list of witnesses, acknowledged that their officer had delivered ane exact double of both to him; confessed that he preached the fast and thanksgiving days lybelled, that he was in the pulpit when the proclamation in order to thanksgiving was read, that he desired his people to convene that day, that he was silent, and showed no dislike to the reading thereof. Afterwards he protested and took instruments in the Clerk's hands, and that for the reasons contained in the following paper given in by him, entituled *Defences and Answers*, given in by Mr. Andrew Levingston, minister at Keig, to the lybell on which he is pursued, and cited to compear befor the Reverend Presbytery of Alford.

"I Mr. Andrew Levingston, minister of the gospell at Keig, being convened befor the Reverend Presbytery of Alford, to answer to a criminall lybell, wherein it is alleged that I did engage myself in the late rebellion, in order to dethrone his Majestie King George, and destroy the Protestant succession, and to install a Popish Pretender, and thereby to subvert the Protestant Religion, with our laws and liberties, and this the lybell would evence by *Primo* Praying publickly in the said Church of Keig for the Popish Pretender, under the name and title of King James the Eight, or at least in such terms that my hearers could not but know he was the person meant. *Secundo*, Reading, or suffering to be read from the pulpit, diverse proclamations or orders emitted by the Pretender's authority, and observing fasts and thanksgivings on his behalf. *Tertio*, By neglecting to pray for his Majestie King George. By which facts the lybell subsumes that I have deserted the Protestant cause, and espoused the interest of a Popish Pretender, and am guilty of ane atrocious scandall, in being art and part-in carrying on that wicked design of extirpating the Protestant religion.

"The aforesaid lybell as it is thus laid down, being of a very hainous nature, treasonable practices, or at least some species of treason, being lybelled, and the punishment due thereby being of the greatest consequence, I beg leave to advance such defences as seem to me competent at law. But befor I enter upon my defences, I would have the Reverend Presbytery to take notice that it is not only to vindicate myself and

ministerial conduct from the imputations of the lybell, but also to testify all due deference to the Presbytery, so farr as consistent with the known principles, and legall priviledges of an Episcopall minister, duely qualified according to law, and protected thereby, that I do compear here at this time, and because I am altogether inexperienced in the usuall forms, and other things competent in law that might be necessary for my defence, this being the first time I was ever lybelled, or cited to compear befor any Judicatory as a delinquent, I must therefor, in the first place, crave that no advantage be taken against me, if any unguarded or inconsiderat expressions shall be used in any defences I am now to advance, being willing to qualify or retract the same, how soon it shall be made appear that the same is illegall or improper befor this court. With this declaration, and under protestation of my design to act (as I have always done) legally, and of my willingness to qualify or retract, as just now said, I offer my following defences, and that nothing may be wanting in my power, either to defend myself, character, and reputation, (which all will acknowledge to be indispensibly incumbent on me wherr thus called) or to satisfy the Reverend Presbytery in these things, anent which they seem to be stumbled, and for which they have now lybelled me. I shall first offer such defences as in the judgment of lawyers seem competent against the Presbytery's jurisdiction in the present cause. 2^{do}. Supposing them competent judges, I shall take notice of their illegall procedure therein, and 3^{io}. give in particular defences to the severall articles lybelled.

“First therefor, although this Presbytery be a Court legally established to cognosce upon, and judge in ordinary scandalls among these under their own inspection, and although I do not at this time formally and simpliciter decline, yet I do plead and contend the Reverend Presbytery is not competent to judge in this lybell, because Episcopall ministers duely qualified are exempted from the jurisdiction of the Presbyterian Church by Acts of Parliament, wherefor I must beg leave to mind the mind of the Reverend Presbytery, that, by the Act of Parliament of Scotland anno 1693, ministers of the gospell of the Episcopall perswasion, who were then possessed of benefices were exempted from Presbyterian jurisdiction, except in the particular caices mentioned in the said Act viz: Immorality, Ignorance, Insufficiency, and Supine Negligence, none of which, I hope, will be laid to my charge, nor is the lybell founded on any of the excepted caices, and by the Act of Parliament 1695, it is

[illegible]

only establish the manner of tryall, but likewise declares that the same laws with respect to treason shall take place in Scotland as in England, after the time limited by the said Act, and how the articles lybelled, if proven, might fall under the Statutes of treason, I presume unknown to the Presbytery, as well as to me, hence it evidently follows that the carrying on a process of so dangerous a nature, befor a Judicatory neither competent, nor perhaps skilled in the law forms necessary in such a process, where the defender cannot have the benefite of lawyers, might perhaps involve me in guilt, though never so innocent, and no age

produce ane instance of Church Judicatories their meddling in matters purely civill, but have left that to the civill magistrate, whose chief province it is. I must likewise observe that as the law is designed for the punishment of the guilty, so also for the protection of the innocent, I hope therefor that ministers of the gospell, whose chief concern it is to obey and propagate the laws of God, with due regard to the laws of man, will not so farr deviat from the known road of procedure in crimes of this nature, as to interfere with the civill magistrate, and invade any man's just rights beyond the common course of Justice.

“‘ And as to the last article of the lybell concerning my not praying for King George, denying the same, I contend also that this is purely civill also, and cannot fall under the cognisance of the Presbytery, for by the Act of Toleration requiring as weel the ministers of the Established Church, as those of the Episcopall Communion, to pray in express words for her Majestie Queen Anne, while living, and all the royall familie, it is appointed that every such minister or preacher, neglecting to pray as aforesaid, shall, for the first offence, forfeit the soum of twenty pounds sterling, to be recovered and distributed as touching the other penalties of the Act, and the prosecution is appointed to be befor the Court of Justiciary, or other civill magistrates competent, and therefor it is obvious that the Presbytery cannot judge thereof.

“‘ But quoad the alleaged scandall which the Presbytery seems most to have in view, I humbly conceive that no scandall can arise from facts not proven, and for the Presbytery to adduce evidences for proving of crimes which chiefly falls under the cognisance of the civill magistrat, in order to make up a scandall, would be to introduce a new form of procedure, without any warrand, and found a jurisdiction where they have none, since the crimes must be proven as the foundation of the scandall, and I hope the Presbytery will not sustain themselves judges, nor are they indeed capable of taking the oaths of witnesses in matters of treason, so I contend I can never be censured for the scandall of ane alleaged crime which is not proven in a Judicatory competent, which the Presbytery, for the reasons above mentioned, is not.

“‘ These defences of incompetency against the Presbytery's jurisdiction I insist upon, and that my compearance, or not declineing simpliciter the authoritie of this Court, may not be interpreted as a passing from these defences, I protest I may have the benefite of them, and of the other good

laws of the land in my favours for eximeing me from the Presbytery's jurisdiction equally with others.

“II. All that I say upon the *second* generall head is, that supposing the Presbytery unquestionably competent, yet if what I am informed of do hold viz: that the witnesses against me are cited to answer super inquirendis, and that there are no particular facts, lybelled articles, or other circumstances condescended upon, and made known to them, either in the body of their summonds, or otherwise, I do contend that this way of procedure is contrary to law, and all the forms of procedure in every constitute Court, and since the most knowing witnesses may be surprised with questions about which they had no time to consider of, and the most innocent person ruined thereby. Although I object nothing against the witnesses themselves, yet I cannot but plead and protest against their being admitted to depone, till at least they be legally apprised of the articles and facts upon which they are to witness, and that I may have all the benefite of law against the Presbytery, in caice they proceed otherways against me.

“III. As to *third* generall head viz. particular answers to the severall articles of the lybell, besides what is said above on the head of incompetent jurisdiction, I do (always insisting upon my former defences, and under the former declarations, and protestation) proceed to answer directly to the articles lybelled, and 1. As I own that I am ane Episcopall minister, have taken the oaths required by law, and exercised the holy ministry under the protection of law, so I hope it will be found that I have not acted contrary to these oaths, nor done anything to forfeit the protection of his Majestie King George, although under considerable temptations so to have done, as the Presbytery cannot but know, and therefor do declare that I always abhorred such a wicked design, and am sensibly affected that I should be concluded by the lybell to be one who had deserted the Protestant cause, and have art and part in carrying on a wicked design of extirpating the Protestant religion, and as this appears to be only what is cognoscible by the Presbytery, the articles lybelled being purely civill, as I have said, so should I most heartily submit to the Presbytery's sentence, if I had been guilty of so great wickedness. But to my own satisfaction I do profess, and declare, with the greatest sincerity, that I never entertained a thought so wicked, nor a design so execrable, and I hope, by the grace of God, never to be guilty of it ; It

is indeed matter of great concern to me, to find that the Presbytery should lay so severe a scandall to my charge, for, I presume, it is sufficiently known that I am a man of orthodox and sound principles, and that my life and conversation hath been suteable thereto.

“But this detestable conclusion being on the preceding articles, I proceed a little further to offer some brief particular answers thereunto, and denying them all as lybelled, I contend that I am not conscious to myself that ever I prayed for the Pretender, under the name of James the Eighth, or in such terms as my hearers could not but know he was the person meant, or that I observed fasts and thanksgivings on his behalf, or read proclamations emitted by his order, so I hope, yea am conscious, that these practices never shall be proven against me. But as to my suffering such proclamations to be read, I presume the Presbytery knows it was neither in their power, nor in my power, to hinder this, especially where the heritors were engaged in the rebellion. But since I did not command nor consent to the said reading, I plead not guilty. As to my preaching on any day of the week, I never thought it unlawfull, as I hope the Presbytery does not, since I am sure I never preached sedition, nor encouraged rebellion by my doctrine, but on the contrary dissuaded from it. And when I preached on any week day, it was to keep my people from going elsewhere, and to edify them with sound doctrine at home. And as for my neglecting to pray for King George, although I did not always pray nominatim, as I believe some of the Presbytery did either befor, or in time of the rebellion, yet I neither did, nor do neglect this my duty.

“Upon the whole matter, I hope the Reverend Presbytery will, upon mature consideration of the premises, think fitt to desist from so undue proceedings, as well for the regard they have for their own character, and function, as for the justice which is due to mine. But, if notwithstanding hereof, they shall proceed to cognosce upon the crimes lybelled, I must, with all due deference, protest against their proceedings, and that any sentence that shall be pronounced by them against me may be void and null, and that the Moderator of the said Presbytery, and remanent members thereof may be severally and conjunctly lyable to me for all cost, skaith, dammage, and expenses I may incurr by, and through their unwarranted procedure. And I crave that this my protestation may be marked in the Presbytery Books; and that I may have extracts thereof,

and of the lybell, minutes, and hail proceedings of the Presbytery, as often as I may have occasion for the same. And upon all and sundry the premises, I take instruments in the hands of the said Presbytery Clerk, and in the hands of Francis Moir, Nottar publick, upon this 20th day of June 1716 years, befor witnesses John Taws, servitor to John Davidsons in Kirktoon of Alford, and James Rob, my servant. Sic subscribitur, A. Levingstone.'

"As to these defences of Mr. Levingstone, the Presbytery made the following answers.

"Whereas Mr. Levingstone alleages and asserts that the Presbytery is not a competent Judicatory to cognosce upon the articles of his lybell, and that first, because Episcopall ministers duely qualified were eximed from the jurisdiction of the Presbyterian Church by Acts of Parliament, the first whereof he cites is in anno 1693, by which Act he contends ministers of his perswasion, who were then possessed of benefices, and duely qualified in law, were exempted from the jurisdiction of the Presbyterian Church, except in the cases mentioned in the said Act viz. Immorality, Ignorance, Insufficiency, and supine negligence, none of which, he hopes, will be laid to his charge, nor is the lybell founded upon any of the excepted cases.

"It is answered, that the said Mr. Levingstone should have condescended upon the said Act of Parliament, for we contend there was no such Act made and emitted anno 1693, but the Act he seems to referr unto is the 22d Act of 4th Session, 1st Parliament, K. W: and Q. M., passed June 12th, 1690, entituled, Act for settling the quiet and peace of the Church; and is so farr from eximeing Episcopall ministers from Presbyterian jurisdiction, that it establishes the jurisdiction of the present Church over them, in that it certifies such as shall not qualifie themselves, and apply to the Generall Assembly, in manner specifiet in the said Act, that they may be deposed by the said Assembly, and other judicatories, tam ab officio quan a beneficio, and withall declares that, if any of the said ministers who were not then received into the goverment of the Church, should offer to qualifie and apply after the manner prescribed in the Act, they should have their Majesties full protection, ay and while they should be admitted and received in manner foresaid; providing always that this Act, and benefite thereof shall no ways extend to such ministers as are scandalous, erroneous, negligent, or insufficient.

But these and all others in like manner guilty are thereby declared to be lyable and subject to the power and censure of the Church as accords. But

“II. Admitting Episcopall ministers to be eximed from the jurisdiction of the present Church, according to Mr. Levingstone's allegiance, except in the cases of Immorality, Ignorance, Supine Negligence, and heresy, yet is it strange and surpriseing to hear Mr. Levingstone deny that his lybell is founded upon any of these excepted cases. If it be not immorality to observe fasts for success to the Arms of a Popish Pretender, to implore the divine aid for carrying on treasonable designs, against a Government he had sworn to support, to keep thanksgivings for the said Pretender's safe arrivall in Scotland, to desire his people to convene for the foresaid ends, upon the back of a proclamation, read in his kirk, and emitted by the said Pretender's authority, as the said Mr. Levingstone has confessed, and that notwithstanding of his having qualified according to law, which he owns in his defences, of his having sworn the Abjuration, and Alleagance, and subscribed the Assurance, if to do all this be not immorality, we leave to all men of judgement, candor, and disinterestedness to determine. If for one who designs himself a minister who has behaved worthily in conversation, to abjure a Popish Pretender, as not having any right to the crown of these realms, and dominions thereunto belonging, one year, and then, at the next turn own his authority, obey his proclamation, keep fasts and thanksgivings enjoined by him, and to desire their congregations to assemble in compliance with his orders, be not immorall and scandalous in such a person, in one who assumes that holy character, we are at a loss to know the nature of immorality, and must own to have had no just idea thereof hitherto.

“III. Besides, Mr. Levingstone himself owns in his above defences that the articles lybelled are of a very hainous nature, and, in so farr, agrees not only with the Parliament of Great Brittain, but with the Episcopall Church in South Brittain, his brethren of the Prelatick perswasion there. Now how he will be able to reconcile this his acknowledgement as to the nature of the said articles, with his denying there being any immorality in them, or his being charged therewith, we are not able to comprehend.

“The next Act of Parliament Mr. Levingston adduces, against the competency of the judicatory, is that anno 1695. The Act he intends

is the 27th Act, 5th Sess., 1st Parliament, K. W. past July 16th, 1695, whereby it is provided, that whoever should come in, and qualifie to the Government by the time limited in said Act, and should behave themselves worthily in doctrine, life, and conversation, as becometh ministers of the gospell, should have and enjoy his Majesties protection, to their respective kirks, benefices, and stipends, they always containing themselves within the limittes of their own pastorall charges, within their own paroches, without offering to exercise any power of licensing, or ordaining ministers, or any part of government in Churches, Presbyteries, Synods, or Assemblies, and from this he subsumes, that seeing in the terms of the Act he has qualified to the goverment, and, as he hopes, behaved himself worthily in doctrine, life, and conversation, he contends his title to his Church is good, to his benefice, and to the protection of the civill goverment.

“ Now allowing Mr. Levingstone to have behaved himself worthily in all these, yet this is not a sufficient enumeration of the qualifications required for entituling him as above, for this Act, as cited by himself, requires that such alwayes contain themselves within the limits of their own pastorall charges, within their own paroch, without offering to exercise any power of licensing or ordaining ministers, or any part of Church goverment, and what his practice has been as to containing himself within his own pastorall charge and paroch, and behaving himself otherwayes agreeable to this Act, is so nottour in the bounds, that he dare not offer to defend it, and reconcile the same to this part of the said Act. He himself knows that he has, contrary to this clause of the Act, mett Presbyterially with his other brethren, that, in conjunction with them, he has prescribed and received tryalls from young men, licensed them to preach, recommended them to exautoral Bishops for ordination ; that he, together with them, since the beginning of the late rebellion, agreed that a publick fast should be observed in their severall paroches, in order to implore success to the rebells wicked designs, that he has given the holy communion to people in some of our congregations, without any document if they were under scandall, or church censure, or not ; whereby he has forfeit all right to the protection promised in, and by that Act, even albeit he had, as himself alleages, behaved worthily in the other particulars, which is the thing sub judice. And whereas he alleages that the Act 1695 must derogate from the other anno 1693 as

to the excepted cases, and eximc Episcopall ministers entirely from Presbyterian jurisdiction, because of its being posterior thereto, we must own ourselves unacquainted with this kind of logick and reasoning, that what is posterior must derogat from what is prior, when often it strengthens, and confirms the same. The second thing he makes use of against the competency of the Judicatory, is the crimes lybelled against him being purely civill, and therefor only cognoscible by a Civill Court, or Magistrate.

"We crave leave to differ from Mr. Levingstone as to the articles lybelled being purely civill, for we conceive as they fall under the cognisance of the civill powers as hurtfull and destructive to the State, and government, so do they under the jurisdiction and consideration of the Church as scandalous and offensive thereto, and as such are lybelled and pursued. Mr. Levingstone will not refuse that one and the same action may, under different habitudes, be prosecut both civilly and criminally, and why not befor a Civill and Ecclesiasticall Court, of which we shall only instance that of Adultery, under different respects. Let him assign us a reason why the civill powers may not punish ane action as criminall, or as hurtfull to the commonwealth, and the Church cognosce upon, and consider the scandall accompanying the very same action, and we shall own our obligations to him; or let him say, if he will, that his practices in the time of the late rebellion were not stumbling and scandalous, we must in this likewise declare ourselves not to be of a piece with him. We are confident that all true and reall Protestants, and wellwishers to the Reformed interest, and to our present happy civill establishment, who shall compare Mr. Levingstone's practice towards the Popish Pretender, with his lifting up his hands to Heaven, and solemnly abjureing him, will agree with us, in looking upon the same as scandalous, and of very bad example. Ministers taking oaths to goverment, and in their discourses, and practices looking another way, contributes much to deism, and sceptism in the land.

"Then as to no scandall ariseing from facts till proven, as is alleaged by him, this contradicts the observation of all civilized countreys. Was there never fornication, adultery, Sabbath breaking, or the like immoralities in Mr. Levingstone's paroch of Keig that gave offence, till made evident and proven? Was he himself never stumbled at these vices previous to their being proven? If neither he himself nor his people were stumbled, and scandalised at these, then why did he call such as were reported to

have committed these sins befor his Session? Was not this to make a scandall, where, according to him, there was none? The Apostle Paul was offended at the very report of fornication in the Church of Corinth, and looked upon it as a scandall befor the person was judicially convict. And if Mr. Levingstone was not at those in his said paroch, we cannot help it.

"Mr. Levingstone in his second generall head says, that the witnesses against him were cited to answer super inquirendis, and that there are no particular facts, lybelled articles, or other circumstances condescended upon, and made known to them, either in the body of the summons, or otherways, and therefor contends, that this way of proceedure is contrary to law, equity, and all the forms of proceedure in every well constituted Court.

"To which it is answered, that the Presbytery contends that their proceedure is orderly, legall, and agreeable to the way of proceedure in every well constituted Court, seeing he himself got a copy containing a distinct account of all the articles upon which he was accused, and the copy of the summons given to each witness had the heads of the lybell therein, and when they compear, they are to hear the lybell read over to them, befor they depone; so that there is no ground for alleaging the witnesses may be surprised in this caice.

"As to his not having acted contrary to his oaths, or done anything to forfeit the protection of his Majesty King George, that he abhorred such a wicked design as he declares in the third generall head, this is Protestatio contra factum, to which we oppone his own judicial confession, and what is said to his first defence, and leave him, or any man, to reconcile what he there acknowledges, and his practices befor and in the rebellion, with his oaths, his professions, and declarations.

"He says he never observed fasts and thanksgivings on the Pretender's behalf, or read proclamations emitted by his order. We reply, from his own foresaid confession, that he was in the pulpit when the proclamations for keeping the foresaid fast and thanksgiving days were read, that upon the reading of these he desired his people to convene the days fixed on in the proclamations, that he preached the fast and thanksgiving days lybelled, and these unquestionably lybelled as being for the Pretender, as he cannot but know, so that if Mr. Levingstone will confess at one time, and deny at another, say and unsay, who can help it.

“ Although he did neither, as he alleages, read the proclamations himself, nor command others to do it, yet we are hampered of our charity, so as that we cannot believe his not consenting to the reading of them, seeing, instead of discharging the reading thereof, or his withdrawing when reading, or doing anything to testify his dislike thereat, he continued in the pulpit all the time these were a reading, and, immediately after they were read, desired his people to obey them.

“ Upon all and sundry of which answers, Mr. Midletone reprottested that no regard should be had to Mr. Levingstone's protestation, but that the Presbytery should proceed in due form, as well for the regard they bear to their own character and function, as for the obligation they are under to appear against sin in the bounds, and thereupon took instruments in the Clerk's hands, and the Presbytery adhered to the said reprotestation. The Presbytery being to call witnesses, asked Mr. Levingstone if he had any objection against them, or any of them, who answered he had none, but protested that no witness should be examined in his process, unless they got a new citation, containing the Articles in his lybell, and thereupon took instruments in the hands of the Clerk, upon which Mr. Leask reprottested, that the Presbytery should proceed to the examination of witnesses, without regard to Mr. Livingstone's protestation for the grounds above contained in the answers to the defences on the second, generall head, to which reprotestation the Presbytery adhered. Mr. Levingstone offering to withdraw, was desired to stay, and hear witnesses depone, otherwise they would look upon his withdrawing as a declining of the judicatory, to which he replyed, that he would be but in the kirkyard, and should return when called, and then removed. Afterwards the witness being called compeared, James Reid in Little Caty, James Wilson there, Robert Anderson in Braehead, James Sievewright in Cobbleseat, James Donald in Boat of Heughhead, John Coutts in Burnside of Keig, Alexander Clerihue in Muirhead, David Anderson in Miln of Craigpot, Patrick Adam in Wood of Putachy, James Fullertown in Annygathell, Alexander Wilsone in Newtown, and Adam Bonner, Beddle at Keig, who refused absolutly to depone, unless they got the severall particulars, upon which they were to be interrogat engrossed in their summonds, to consider upon, and a new day to answer. They were told that they had the generall heads of the lybell in their summondses, that they were to depone in so farr as they knew, and should be speired

at, that they should have the articles read to them, that if there were anything, when read, in the said articles difficult, it should be explained, which was done accordingly. Yet, after all pains taken with them, they all withdrew, except David Anderson in Mill of Craigpot, and Alexander Wilson in Newton, who being willing to depone, Mr. Levingstone was called to come in, according to his promise, to hear and see these two witnesses examined, but refused, and told he had no more to do with them. Whereupon the witnesses being sworn, purged of malice, and partiall councell, David Anderson, aged about 38 years, deponed that he did not hear Mr. Levingstone pray for the Pretender under the name of King James the Eight, but heard him pray for the supreme Magistrate under the name of King in generall, without any distinguishing expression, but did not know what King he meant. That he heard through his own parish he observed the thanksgiving lybelled, that he was his hearer two Sabbaths only dureing the late rebellion, Causa scientiee patet this is the truth sic subscribitur, David Anderson. Next Alexander Wilson, aged about 20 years, and married, deponed, that he heard Mr. Levingstone severall times during the late rebellion, but heard him pray for no King, but in generall terms that might be applyed to any King, that he heard him pray for success to the army, and heard he observed the fast and thanksgiving days, saw the people going to the kirk, and heard the bell ring, but went not himself. Causa scientiee patet &c. Declares he cannot write, but empowered the Clerk to subscribe for him, sic subscribur John Gordon, for Alexander Wilson.

"The Presbytery, after reasoning upon the whole affair, considering that most of the witnesses refused to depone, and that the Committee of Synod is to sitt at Aberdeen July 3d, appointed their Clerk to draw forth ane extract of this hail process, which is to be laid befor the said Committee for advice, by the members who are to attend the same."

"Alford Kirk, July 19th, 1716.

"After prayer &c.

"The brethren who had been members of the Committee of the Synod, which sat at Aberdene July 3d last bypast, reported that they had laid the extract of Mr. Levingstone's affair befor the said Committee, and that their advice was to pass sentence against him upon his own

confession, and deposition of the witnesses already taken, without troubling with any more. Likewise, the officer reported he had not cited Mr. Levingstone to this meeting, being disappointed of one of the witnesses who should have been present at laying the summonds. The Presbytery having considered both the said reports, did appoint the officer to summond Mr. Levingstone to the next meeting at this place, August first."

"Alford Kirk, August 1st, 1716.

"After prayer &c.

"The officer produced an execution, bearing that he had cited Mr. Levingstone to this dyet, which being read, and sustained, the said Mr. Levingstone was called, but compeared not. There was given in a letter of excuse from him, bearing that he was tyed to his bed, otherways he had compeared, and desiring them to acquaint him by a line with his own bearer, of their next meeting, whereat he promised to be present. Whereupon, the Presbytery sustained his excuse, and appointed a line to be sent with his servant, acquainting him that their next meeting was to be at this place, August the 22d, which line was judicially subscribed by the Moderator, and delivered to his servant."

"Alford Kirk, August 22d, 1716.

"After prayer &c.

"The Presbytery entering upon the affair of Mr. Levingstone at Keig, and being informed that he was come to this place, according to his promise, sent forth one of their number to desire him to come in, who accordingly came along with the member, and owned the receipt of the Presbytery's answer to his letter, signified that he was come to wait upon them as he had engaged, and craved that the Presbytery would delay any further step in his affair, till the next ensuing Synod. He being removed, and his desire considered, the Presbytery found they could not grant the same, but sent forth one of their number to signify to him, that if he would engage to forbear preaching himself, and to give access to such as the Presbytery might appoint to preach at Keig (should the sentence happen to pass against him) they would use their endeavours

to delay the intimation of the sentence till after Michaelmas,* who returning reported that Mr. Levingstone could give no assurance just now of his forbearing to preach, and give access to any commissioned by them, but promised, if they would delay intimation of any sentence that might be passed at this time, till their next meeting, he should have what was proposed to him under his consideration till then. The Presbytery, having considered the said answer, put it to the vote, 'proceed instantly,' or not, and it carried, 'proceed.' Upon which Mr. Levingstone being called, came in, and being asked if he desired any minute relative to his affair to be read over, since they were now to proceed, answered, that having heard them already, it would be to no purpose to spend time that way. After prayer for light and direction, and reasoning upon the whole of the affair, the Presbytery found primo, from his own judicial confession, that he was in his pulpit when the proclamation emitted by the Popish Pretender's authority for the thanksgiving was read, and that he shewed no dislike at the reading thereof, but desired his people to come on that day. Secundo, that he observed the fast and thanksgiving days lybelled. Tertio, they found from the deposition of the witnesses that, during the time of the rebellion, he prayed only for the King in generall terms. From all which it appears that the said Mr. Andrew Levingstone has been guilty of an atrocious scandall, in deserting the Protestant cause, espousing the interest of a Popish Pretender in opposition to our only lawfull sovereign King George, and thereby in being art and part in carrying on that wicked design of subverting the Protestant religion, and the present happy establishment, and of introducing Popery and arbitrary power, whereby he discovers himself to be a man of heterodox principles, as well as of bad morals. Upon the whole, the Presbytery having stated the vote, 'Depose the said Mr. Andrew Levingstone from the office and exercise of the holy ministry in all the parts thereof,' or 'Not,' and rolls being called, and votes marked, it carried, nemine contradicente, 'Depose.' Therefore the Presbytery did, and hereby do, in the name of the Lord Jesus Christ, and by virtue of that authority he has left in his house, and committed to them, depose the said Mr. Andrew Levingstone from the office and exercise of the holy ministry in all the parts thereof. Which the said Mr. Levingstone being called in had intimate to him, by the

* Delaying "till after Michaelmas" would have enabled him to obtain the half-year's Stipend due at that term.

Moderator, in the Presbytery's name. Upon which, the said Mr. Levingstone gave in a paper, endorsed 'Mr. Levingstone's appeal and protestation,' the tenor whereof follows 'I Mr. Andrew Levingstone, Minister of the Gospell at Keig, being called to compear befor the Presbytery of Alford, at the Kirk of Alford upon the 20th day of June 1716, to answer to severall articles of a lybell raised against me, did, upon the foresaid day of June, for vindicating myself, and ministeriall conduct, from the imputations of the said lybell, compear, and give in such defences as seemed to me competent in law, and which in the judgment of lawyers, seemed competent against the Presbytery's jurisdiction over me, viz. That I being an Episcopall minister, duly qualified according to law, am, by severall Acts of Parliament, exempted from being subject to the jurisdiction of any Presbyterian Church, and did protest against the said Presbytery, as my protestation of the date the foresaid 20th day of June doth more fully bear; As also did protest, that they being an Ecclesiastick Judicatory could have no competent power, or authority, to cognosce upon, or pass sentence against me, for the crimes alleadged in the said lybell, or to examine witnesses thereanent, for the reasons contained in a paper given in by me to the said Presbytery, of the date the foresaid 20th of June, to all which I do adhere, hoping they will be found relevant, when they come to be considered by any competent unbyassed Judicatory. Yet notwithstanding, the Presbytery caused to cite me again to compear befor them at Alford, the first day of this current moneth August, and year of God foresaid, and I being under such indisposition of body, that I could not attend the Presbytery, upon the foresaid 1st day of August, did excuse my absence by a line, which excuse the Presbytery was pleased to sustain, and appointed that I should compear befor them, the 22d of August instant. Upon which day I appeared for vindicating myself and ministry from the imputations of the said lybell. And finding that the said Presbytery had resolved to insist, and to proceed to sentence against me, especially upon the account of some verball answers which they pretend, I gave in to the Presbytery, Wherefore I give in this paper to the said Presbytery; whereby I do disown such pretended verball answers, which they read from their minutes in my audience, and do protest that no sentence grounded upon such alleadged answers should pass against me, especially seeing not one article of the lybell was proven against me by witnesses.

Yet notwithstanding of the hail premisses, the Presbytery did most unwarrantably proceed to the sentence against me, to which sentence I can no ways obtemperate, for the reasons mentioned in my former papers given in by me to the said Presbytery, to which reasons I adhere in all points. And also add, that I having received my ministry, (as I hope from Jesus Christ) and being duely and orderly invested with power and authority for exercising all the parts of the ministeriall function, and for discharging all the parts of the pastoral office to the people of God committed to my care, after the form of Episcopall goverment, which, when I entered upon the ministry, was then established by law, and having ever since, under the protection of the civill goverment, continued in the peaceable exercise of my ministry, without being subjected to any Presbyterian Judicatorys, as being exempted from them by Acts of Parliament mentioned in my former paper, therefore any sentence passed against me can be of no force. And since I must give an account to God how I discharge my ministry, I cannot, with a good conscience, desert the same, nor desist from the discharge of the severall dutys of my pastorall office, untill I be legally discharged by such as have competent authority, or be violently thrust therefrom. And I hope that the Presbytery will do me the justice to believe, that it is not humour but conscience that makes me take these measures, since, I presume, none of the members of Presbytery would desert their charges, or desist from the discharge of their dutys, although they were required and commanded so to do by any of a different communion from themselves, and who have no competent authority or jurisdiction over them, which made me hope in this case that the members of the said Presbytery would have observed the golden rule of doing as they would be done by. And untill it shall be made appear, by sufficient legall documents, that the said Presbytery hath a competent power and authority to cognosce upon the crimes lybelled against me, and that I am subjected to their jurisdiction, I do protest against any procedure of the said Presbytery in the present process against me. And since any sentence passed by any incompetent Judicatory is in itself invalid, I do protest that this sentence passed against me by the said Presbytery is of no force nor effect, nor prejudiciall to me, my ministry, and reputation, upon the grounds mentioned in this, and my former paper, to which I adhere in all points. And since notwithstanding of the hail premisses, the said Presbytery

has proceeded to sentence against me, on such unwarrantable grounds, therefore I do protest and appeal to any civill Judicatory competent for redressing such injustice, especially to the righteous and impartiall tribunal of Jesus Christ, who, without respect of persons or partys, will judge all, and I crave that this my protestation and appeal may be recorded in the Presbytery Books of the said Presbytery, that I may have extracts hereof, and of the lybell, minutes, and hail proceedings of the Presbytery, in this process, under the hand of the Clerk of the said Presbytery, as often as I may have occasion for the same. Whereupon all and sundry the premissis, I the said Mr. Andrew take instruments in hands of Mr. John Gordon, minister of Glenbucket, Clerk to the said Presbytery, and in the hands of Francis Moir, Notar Publick, upon this 22d of August 1716, befor these witnesses, William Mitchell in Balfour, and Robert Gellan, son to Alexander Gellan in Bithnie, and Alexander Ross, servitour to the minister at Alford, and Alexander Garioch of Kinstair. Sic subscribitur, A. Levingstone. The said Mr. Levingstone having protested and appealed, and taken instruments in the Clerk's hands, as said in this paper.' To which paper the following answers are made. The said Mr. Levingstone having spent about eighteen lines in narrating and giving the history of the severall citations he had received from, and his severall compearances befor the Presbytery, he proceeds to tell that finding the Presbytery were resolved to pass sentence against him, and that upon the account of some verbal pretended and alleadged answers, which they read from their minutes in his audience, he did give in the above papers, disowning these pretended and alleadged answers.

"To which it is answered that it was surprising to the Presbytery to have Mr. Levingstone disown under his hand the judicall confession made by him June 20th, and recorded page 242, especially seeing the said confession was read over to him immediatly he gave it in, and likewise at his other following appearances, and owned by him as genuine, as all the members distinctly remember. What should have moved the Presbytery to have forged the said confession, or to have been guilty of such a horrid wickedness as to have alleadged, and recorded in their minutes such and such things to have been judicially confessed by the said Mr. Levingstone, had he not actually done so, will be hard to conceive, if it be considered that we were no ways straitened in adducing witnesses for proving all contained in his said judicall confession. But

if Mr. Levingstone, notwithstanding of his contending to have behaved worthily in doctrine, life, and conversation, will say and gainsay, confess and deny, we cannot help him, but must leave him to that righteous and impartiall tribunal he appeals to.

"Master Levingstone, within a few lines, narrates his being duely, and orderly invested with power to exercise all the parts of the ministerial function, after the form of the Episcopall government, and his having lived under the protection of the civill government, in the peaceable exercise of his ministry, without being subjected to Presbyterian Judicatorys, as being exempted from them by Acts of Parliament mentioned in the former paper, and then subsumes that therefore no sentence passed against him can be of force.

"To which it is replied, that if Mr. Levingstone intend by his being invested with power to exercise all parts of the holy ministry after the form of Episcopall government, that therefore, and upon this account, Presbyterian Judicatorys cannot process him, nor pass sentence against him for heterodoxy, immorality, and the like, we contend the contrary, and assert that we have many of the most pregnant parts among his own brethren of the Episcopall perswasion, of the same sentiments with us, which, if Mr. Levingstone would speak plainly his mind in denying what he seems to insinuate, should be easily made to appear, from their witnesses.

"And as to the other part, of his not being subjected by Acts of Parliament to Presbyterian jurisdiction, we refer to the answers given to his defences, for evincing the contrary.

"Whereupon all and sundry these answers, Mr. Thain reprobated that no regard should be had to the above protestation and appeal, but that the sentence already past was good, and valid, asked and took instruments in the hands of the Clerk. To which reprobation the Presbytery adhered. The Presbytery appointed Mr. Copland to preach at Keig August 26th, to intimate the sentence, and declare the Church vacant, and report."

"Alford Kirk, September 7th, 1716.

"After prayer &c.

"Mr. Copland reported that he went to Keig in order to preach, but, being denied access, had intimate the Presbytery's sentence of deposition against Mr. Levingstone, and declared the said Kirk of Keig vacant."

The following are the occurrences in regard to Keig after Mr. Livingstone's deposition, and the settlement of Mr. Middleton, Leochel, as his successor.

"Alford Kirk, January 23rd, 1717.

"After prayer &c.

"Mr. Garioch reported that he had preached at Keig November 18th.
... Mr. Patrick Gordon reported that he had preached at Keig.
The Clerk's excuse for not preaching there being heard was sustained."

"Alford Kirk, February 28th, 1717.

"After prayer &c.

"The Moderator's excuse for not preaching at Keig was sustained.
Mr. Middleton reported he did go to Keig, in order to preach, but came away without doing it, because there came only one person to hear."

"Alford Kirk, Aprile 24th, 1717.

"After prayer &c.

"The Moderator, and Mr. John Gordon reported that they had been with the Lord Forbes, and had discoursed his Lordship anent the planting of Keig, who had desired them to signify to the Presbytery, that he inclined the Presbytery would give a call to Mr. Clerihue, minister at Culsalmond, to be minister at Keig, whom he hoped would be acceptable to the most of that paroch, and that, it being the first favour he ever demanded of the Presbytery, he hoped they would cheerfully grant the same. Mr. Copland also reported that he had discoursed the Lairds of Terpersie, Finzeach, and Tulloch, anent the calling of a minister to their vacant paroch, and that they had desired him to represent to the Presbytery, they were willing the Presbytery should call, either Mr. Arthur Forbes, minister at Oyn, Mr. James Shand, minister at Kemnay, or Mr. George Middleton, minister at Lochell, to be their fixed pastor, but that they were altogether averse to Mr. Clerihue. The Presbytery having considered the brethren's report, and finding that their granting my Lord Forbes desire, in settling Mr. Clerihue at Keig, would meet with opposition, as appeared from the

above gentlemen Heritors, their having declared their reluctancy against Mr. Clerihue's being settled among them, did agree that a letter should be written to the said Lord Forbes, who is now in London, signifying that they would have complied with his Lordship's desire, and that they are much inclined to go into his proposall, but that there were such difficulties in their way, as they did not know how to get over, unless his Lordship fell upon measures to remove them, and, in the meantime, determined to delay any further step toward the settlement of Keig, till such time as an answer may be reasonably expected to the said letter, which the Moderator undertook to send off."

"Alford Kirk, May 3d, 1717.

"After prayers &c.

"The Moderator (Mr. Alexander Leask) having given the reasons why the letter to the Lord Forbes, relative to the settlement of Keig, was not yet sent off, they were sustained, and the appointment renewed, and further consideration of this affair delayed to the next meeting."

"Kirk of Clate, May 14th, 1717.

"After prayer &c.

"The Presbytery entering upon the settling of the vacant paroch of Keig, and having called for a report from their Moderator, anent his writing and sending the letter appointed to the Lord Forbes, relative to the planting of the said paroch, he signified it was not done, and gave in his reasons, which were sustained. In the meanwhile Mr. Arthur Forbes of Breda, and ouncl to the said noble Lord, being present, and desiring to speak, represented that he had discoursed my Lady Dowager of Forbes upon that subject, and that she had told him that the Presbytery needed make no delay in planting Keig, by writing unto, and waiting for an answer from the Lord Forbes, her son, from London, thereanent, in regard she understood that he would be satisfied with the Presbyterie's calling Mr. George Middleton, presently minister at Leochell, to be minister at Keig. The Presbytery having considered the above representation, made by the Laird of Breda, together with the report given in by Mr. Copland, Aprile 24th, bearing that the Lajrds of Terpersie, Finzeach,

and Tulloch, had signified their inclinations to have the said Mr. Middleton called to be minister at Keig, did, by their unanimous vote, call the said Mr. George Middleton to be settled pastor at Keig, and agreed that the call should be drawn up, and extended this night, in order to be subscribed and delivered to him to-morrow at Cabrach, and appointed Mr. Patrick Gordon, Minister at Cushney, to preach at Leochell the next Lord's day, and there to intimate the call, and leave a just double of the following reasons thereof in the elders hands, and to cite and warn the parish of Leochell to compare before the Presbytery to sit at Alford the 5th of June, and there to give in their answers to the said reasons of call, if they incline.

"Reasons of Call for transporting Mr. George Middleton from Leochell to be Minister at Keig:—

"I. The paroch of Keig has for many years been under the influence of an Episcopall minister, one disaffected to the present happy establishment both in Church and State, and therefore hath need to be provided with an able and faithfull gospell minister to labour amongst them, to instruct the same in sound principles, and to manage it to the advantage of the Church in this corner.

"II. There being ground to believe that the late deposed incumbent is to reside in that paroch, and that he will endeavour to keep up the disaffection among the people to government ecclesiastick and civil, there is need of ane of Mr. Middletons prudence, literature, and experience to labour amongst that congregation.

"III. The most of the heritors of Keig have signified their willingness to have Mr. Middleton settled as their minister, and, if this should be denied to them, there is ground to fear they will not so readily unite in their inclinations for another.

"IV. There is in the paroch one of the dwelling houses of a noble family, and much frequented by people of the best note and quality, which renders it necessary that a person of Mr. Middleton's parts and conduct be planted there.

"V. There is one Popish gentleman the head of a family in that paroch, to whom priests and Romish Missionaries do come, who no doubt will be practising upon the people in his neighbourhood, and endeavouring to pervert them, which makes it needful that Mr. Middleton be planted there, for preventing the same."

“Kirk of Cabrach, May 15th, 1717.

“After prayer &c.

“The Presbyteriall call to Mr. George Midleton being now extended, and in readiness, it was subscribed by the members, and delivered to have under his consideration till next meeting.”

“Alford Kirk, June 5th, 1717.

“After prayer &c.

“The Presbytery entering upon the transportation of Mr. Midleton from Leochell to Keig, and finding that Mr. Patrick Gordon had, conform to appointment, preached at Leochell, and there intimated the call to Mr. Midleton, left a double of the reasons, and warned the paroch to give in their answers thereto this day, if any they have. The said paroch was called, but none of them compearing, except Mr. George Thomsone, Schoolmaster there, who produced a letter from Master Hugh Forbes, younger of Craigivar, bearing that though Mr. Midleton was acceptable to him, and to that paroch, yet he referred the matter to the Presbytery to do therein as they should judge most for the good of the Church. Then the call being lodged in the Presbytery's hands by Mr. Midleton, it was read, together with the reasons, and Mr. Midleton was heard thereupon, and, after prayer for direction, he being removed, the Presbytery upon their considering the whole affair finding *Primo*, that the paroch of Keig had been under the influence of ane Episcopall incumbent disaffected both to Church and State since the Restoration, and so had need of one to instill sound principles into them. *Secundo*, that according to Breda, and Mr. Copland's representation, there are four of the six heritors for him, in that paroch, and these the most considerable, that one of the two who have not signified their inclinations is Popish. *Tertio*, That the paroch of Leochell have shewn but small inclination towards keeping of their minister. *Quarto*, That the Synod had recommended the planting of these kirks, out of which Episcopall incumbents had been ejected, and that quam primum, they stated the vote, ‘Transport Mr. George Midleton from the paroch of Leochell to that of Keig, or Not,’ and the rolls being called, and votes marked, it carried, ‘Transport,’

and therefor the Presbytery did, and hereby do transport the said Mr. George Midleton from Leochell to Keig, but withall declared that his relation to Leochell continues till his admission be expedie, for dispatching of which, they appointed Mr. Gordon to preach at Keig the ninth of this current, being a Lord's day, and there, after sermon, and befor pronouncing of the blessing, to read ane edict to that congregation, warning them, that, if they have any objection against Mr. Midleton's being admitted minister of Keig, they may compear befor the Presbytery, at the kirk of Keig, the 27th current, and finally appointed Mr. William Garioch to preach the admission sermon the said 27th of this current. Which Mr. Midleton, being called, had intimate to him, and the call delivered him."

"Kirk of Keig, June 27th, 1717.

"After prayer &c.

"The Presbytery being mett for the admission of Mr. George Midleton to be minister at Keig, called for the edict, which being given in, duely executed and endorsed, was called at the most patent Church door. Upon which compeared Andrew Levingston, Merchant in Aberdeen, son of the late deposed incumbent, and, as Procurator for the most of the heritors and heads of families, gave in some objections, compeared also Mr. Levingston, late incumbent at Keig, and gave in some objections. The Presbytery finding what had been advanced both by father and son was weak, groundless, and malicious, proceeded to their work. And after sermon by Mr. William Garioch on Revelation, 2nd chapter, 1st verse, and the satisfactory answers given by Mr. Midleton to the usual questions, he was, by prayer, set apart for the work of the ministrie in that Congregation. The action was ended by prayer, and pronouncing of the blessing."

Mr. JEFFREY, Alford.

"Alford Kirk, June 20th, 1716.

"The Presbytery resolving to begin process against some of the other Episcopall Incumbents in their bounds, did agree to give Mr. Andrew Jeffrey, Minister at Alford, a copy of the following lybell, viz.: The Presbytery of Alford takeing into consideration, that Mr. Andrew Jeffrey, having been incumbent at Alford at the happy Revolution, did pretend to have taken the oaths to the civill goverment, and subscribed the Assurance, did continue to exercise the office of the holy ministry there, under the protection of law, yet nevertheless it is alleaged that the said Mr. Jeffrey hath engaged himself in the late unnaturall, and most unjust rebellion, against our gracious, and most rightfull, and lawfull Sovereign King George, in order to dethrone his Majestie, and overturn, and destroy the Protestant Succession in his royall family, and to install a Popish Pretender on the throne of these realms, to the utter subversion of the true Protestant religion, with our laws, and liberties, and did upon the 2d of February, last, or ane or other of the days of the moneths of September, October, November, December, January, or the foresaid February last, publickly in the foresaid Church, pray for the Popish Pretender, under the name and title of King James the Eight, or in such terms as his hearers had ground to believe he was the person meant, or for success to the rebels wicked designs; kept a fast on one or other of the days of the foresaid moneths, in order to implore the divine assistance to the said Pretender's undertakings, and also a day of thanksgiving, on the 2d of February last, for his safe arrivall in Scotland, and subscribed ane address to him owning him as Sovereign of these realms, read, or suffered to be read from the pulpit of the said Church diverse proclamations or orders emitted by the Pretender's authority, for paying cess, or contributions to him, and levying men for his service; casting off all regard to our only rightfull and lawfull Sovereign, King George, and neglecting to pray for his majestie, although required thereto by authority, both civill and ecclesiastick, and neglected and refused to read the late proclamation emitted by his Majestie King George his authority, for a thanksgiving for the success of his arms in suppressing the late rebellion.

By all which the said Mr. Jeffrey has deserted the Protestant cause, and espoused the interest of a Popish Pretender, contrary to his duty, and the obligations he is under, and is guilty of a very atrocious scandall, and is a person of unsound principles, is guilty art and part of that most wicked design and contrivance, that has been formed and carrying on for extirpating the Protestant religion, and destroying its professors, and to overturn the Protestant happy establishment in this land, and instead thereof to introduce and settle Popery, and arbitrary power among us. The double of this lybell, with a list of the witnesses to be adduced for proving the articles therein, was given to the officer, and he appointed to deliver them to the said Mr. Jeffrey, and to summond him to compear befor the Presbytery, July 20th, at this place, together with the witnesses contained in the foresaid list, who, in order thereto, was to get the severall summondses, both against party and witnesses, from the minister of Cushney, hereby ordered to have them seasonably in readiness."

"Alford Kirk, July 20th, 1716.

' The Presbytery entering upon Mr. Jeffrey's process, the officer gave in an execution, bearing that he had summoned the said Mr. Jeffrey, and the witnesses for proving the articles in his lybell, and that he had delivered to him the said lybell, with the list of the witnesses' names, which being read and sustained, both the said Mr. Jeffrey and witnesses were called, but none of them compearing, the officer was appointed to summond him, and the said witnesses to compear August 1st, at this place."

"Alford Kirk, August 1st, 1716.

"The officer gave in an execution bearing that he had summonded Mr. Jeffrey, which being read and sustained, he was called and compeared, owned that he was cited by the officer to compear this day, and having the lybell read over to him, acknowledged that the officer had given him an exact double thereof, and thereafter gave in a paper entituled, Defences Mr. Jeffray, the tenor whereof follows, I Mr. Andrew Jeffray, Minister at Alford, being conveened before the Reverend Presbytery of Alford, to answer to a criminall lybell, wherein it is alledged that I did engage

myself in the late rebellion, in order to dethrone his Majestie King George, destroy the Protestant succession, and to install a Popish Pretender, and thereby to subvert the Protestant religion, with our laws and liberties, And this the lybell would evince by *Primo*, praying publickly in the said Church of Alford for the Popish Pretender; under the name and title of King James the Eight, or at least in such terms as my hearers had ground to believe he was the person meant, or my praying for success to the rebells designs. *Secundo*, reading, or suffering to be read from the pulpit, diverse proclamations or orders emitted by the Pretender's authoritie, and observing fasts and thanksgivings on his behalf. *Tertio*, by subscribing an address, or being art and part in presenting one owning the said Pretender, as Sovereign of these realms. *Quarto*, by neglecting to pray for his Majestie King George, and *Quinto*, neglecting or refusing to read the late proclamation, by his Majestie King George, for a thanksgiving for the success of his Majestie's arms in suppressing the late rebellion, although I had sermon, and my people convened that day. By which facts, the lybell subsumes that I have deserted the Protestant cause, espoused the interest of a Popish Pretender, giving ground to believe that I am a person of unsound principles, and guilty of an atrocious scandall, in being art and part of carrying on a wicked design of extirpating the Protestant religion. The aforesaid lybell as it is thus laid down, being of a very heinous nature, treasonable practises, or at least some species of treason being lybelled, and the punishment due thereby being of the greatest consequences, I beg leave to advance such defences as seem to me competent in law. But befor I enter upon my defences, I would have the Reverend Presbytery to take notice that it is not only to vindicate myself, and ministeriall conduct from the imputations of the lybell, but also to testify all due deference to the Presbytery, so far as is consistent with the known principles, and legall priviledges of an Episcopall minister duely qualifyed according to law, and under the protection thereof, that I do here compear at this time, and because I am altogether inexperienced in the usuall forms, and other things competent in law, that might be necessary for my defence, this being the first time that ever I was lybelled, or cited to compear befor any Judicatory as a delinquent, I must therefore, in the first place, crave that no advantage be taken against me, if any unguarded, or inconsiderate expressions shall be used in any defences I am now to advance, being

willing to qualify or retract the same, how soon it shall be made appear that the same is illegall or improper befor this Court, with this declaration, and under protestation of my design to act, as I have always done legally, and of my willingness to qualify and retract as just now said, I offer the following defences. And that nothing may be wanting in my power, either to defend myself, character, and reputation, which all will acknowledge to be indispensibly incumbent on me, when thus called for to satisfy the Reverend Presbytery in these things, anent which they seem to be stumbled, and for which they have now lybelled me, I shall first offer such defences, as, in the judgement of lawyers, seem competent against the Presbytery's jurisdiction in the present cause, and secondly give particular defences and answers to the severall articles lybelled.

"First therefore, although this Presbytery be a court legally established to cognosce upon and judge in ordinary scandals among these under their own inspection, and though I do not, at this time, formally and simpliciter decline, yet I do plead and contend that the Reverend Presbytery is not competent to judge in this lybell, because,

"I. Episcopall ministers, duely qualified in law, are exempted from the jurisdiction of the Presbyterian Church by Acts of Parliament. Wherefore I beg leave to mind the Reverend Presbytery that, by Act of Parliament of Scotland anno 1693, ministers of the gospell of the Episcopall perswasion, who were then possessed of benefices, were exempted from the Presbyterian jurisdiction, except in the particular cases mentioned in the said Act viz. Immorality, Ignorance, Insufficiency, and Supine Negligence, none of which, I hope, will be laid to my charge, nor is the lybell founded on any of the excepted cases, and by the Act of Parliament, anno 1695, it is provided and declared, that whoever should come in and qualify to the Government by the time limited in the said Act, and should behave themselves worthily in doctrine and conversation, as becomes ministers of the gospell, should have and enjoy his Majestie's protection, as to their respective kirks, benefices, and stipends, they always containing themselves within the limits of their own pastorall charges, within their own paroches, without offering to exercise any power of licensing and ordaining ministers, or any part of government in Churches, Presbyteries, Synods, or Assemblies, and seeing, in the terms of the last Act, I did qualify to the Government, as a certificate, under the hands of the Earl of Kintore, and the laird of Leyes, then Councillors,

before whom I qualified, will testify, and have, I hope, behaved worthily in doctrine, life, and conversation, as becomes ministers of the gospel, I do contend that I have a good title to my church, and benefice, and to the protection of the Civill Government, and this law being posterior to the Act 1693 must derogate from it, even as to the excepted cases, and exempts Episcopall ministers entirely from all subjection to Presbyterian jurisdiction, though, in the meantime, I am willing to undergo the severest tryall for life, doctrine, or any part of the ministeriall function.

"Secundo, Although Episcopall ministers were no more eximed than others, yet the whole articles of this lybell being purely civill, I contend they are not cognoscible in any Ecclesiastick Judicatory, for if any such offences be comprehended within the statutes which do determine the extent of treason, or misprision of treason, then should the offender be tryed by a jury, before a Court of Oyer and Terminer, specially appointed by the king for that effect ; as is plain by an Act passed in the Parliament of Great Britain anno

Annae Reginae

entituled, Act

which Act does not

only establish the manner of tryall, but likewise declares that the same laws, with respect to treason, shall have place in Scotland as in England, after the time limited by the said Act, and how far the articles lybelled, if proven might fall under the statutes of treason, I presume unknown to the Presbytery, as well as to me. Hence it evidently follows that the carrying on a process of so dangerous a nature, befor a Judicatory, neither competent, nor perhaps skilled in the law forms necessary in such process, where the defender cannot have the benefit of lawyers, might perhaps involve me in guilt, though never so innocent, and no age can produce an instance of Church Judicatures their meddling in matters purely civill, but have left that to the civill magistrate, whose province it is. I must likewise observe, that, as the law is designed for the punishment of the guilty, so also for the protection of the innocent, I hope therefore that ministers of the gospel, whose chief concern it is to obey and propagate the laws of God, with a due regard to the laws of man, will not so far deviate from the common road in crimes of this nature, as to interfier with the civill magistrate, and invade any man's just rights beyond the common course of justice. And as to the 6th article of the lybell, concerning my not praying for King George, denying the same I contend that this also is purely civill, and cannot fall under the cognisance

of the Presbytery, for by the Act of Toleration, requiring as well the ministers of the Established Church, as those of the Episcopall communion, to pray in express words, for her Majestie Queen Anne, while living, and all the royall family, it is appointed that every such minister or preacher neglecting to pray as aforesaid shall, for the first offence, forfeit a sum of twenty pounds sterling, to be recovered and distributed, as touching the other penalties of the Act, and the prosecution is appointed to be before the Court of Justiciary, or other civill magistrates competent, and therefore it is obvious that the Presbytery cannot judge thereof. But quoad the alleadged scandall, which the Presbytery seems to have most in view, I humbly conceive that no scandall can arise from facts not proven, and for the Presbytery to adduce evidence for proving of crimes which chiefly fall under the cognisance of the civill magistrate, in order to make up a scandall, would be to introduce a new form of procedure, without any warrant, and found a jurisdiction where they have none, since the crimes must be proven as the foundation of the scandall, and I hope the Presbytery will not sustain themselves judges, nor are they indeed capable of taking the oaths of witnesses in matters of Treason, so I contend that I can never be censured for the scandall of an alleadged crime, which is not proven in a Judicatory competent, which the Presbytery cannot be for the reasons above mentioned. These defences of incompetency against the Presbytery's jurisdiction I insist upon, and that my compareance, or not declining simpliciter the authoritie of this Court, may not be interpreted as a passing from these defences, I protest I may have the benefit of the good laws of the land in my favour, for eximing me from the Presbytery's jurisdiction, equally with others.

"*Secundo*, As to the other generall head viz. particular answers to the severall articles of the lybell, besides what is said above on the head of incompetent jurisdiction, I do (always insisting on my former defences, and under the former declaration, and protestation) proceed directly to the articles lybelled; and *primo*, as I own I am an Episcopall minister, have taken the oaths required by law, and exercised the holy ministry under the protection of law, so I hope it will be found, I have not acted contrary to these oaths, or done anything to forfeit the protection of his Majestie King George, although under considerable temptation so to have done, as the Reverend Presbytery cannot but know, and therefore do declare that I am sensibly affected, that I should be concluded by the

lybell, as one that hath deserted the Protestant cause, and have been art and part in carrying on the wicked design of extirpating the Protestant religion, and as this appears to be only what is cognoscible by the Presbytery (the articles lybelled being purely civill as I have said) so should I most heartily submit to the Presbytery's sentence, if I had been guilty of so great wickedness. But, to my own satisfaction, I do profess and declare that I never entertained a thought so wicked, nor a design so execrable, and I hope, by the grace of God, never to be guilty of it. It is indeed matter of great concern to me, that the Presbytery should lay so severe a scandall to my charge, for I presume it is sufficiently known I am a man of sound and orthodox principles, and that my life and conversation hath been suitable thereto. But this detestable conclusion being founded on the preceeding articles, I proceed a little further to offer some brief particular answers to them. Denying them all as lybelled, I contend that, as I am not conscious in myself that ever I prayed for the Pretender, under the name of King James the Eighth, nor in such terms as my hearers could not but know he was the person meant, or for success to the rebels their designs, nor that I had any hand in presenting or subscribing an address to him, nor that I observed fasts and thanksgivings on his behalf, or read proclamations emitted by his order, so I hope, yea am confident, that these practises never shall be proved against me. But as to my suffering such proclamations to be read, I presume the Presbytery knows it was neither in their power nor mine to hinder this, especially when any of the heritors were ingaged in the Rebellion, but, since I did not command nor consent to the said reading, I plead, Not guilty. As to my preaching on any day of the week, I never thought it was unlawfull, as I hope the Presbytery does not, since I am sure I never preached sedition, nor encouraged rebellion by my doctrine, but, on the contrary, dissuaded from it. And when I preached on any week day, it was to keep my people from going elsewhere, and to edify them with sound doctrine at home. And as for neglecting to pray for King George, although I did not always pray nominatim, as I believe some of the Presbytery did not, either before, or in the time of the rebellion, yet I neither did, nor do neglect this my duty. As to the last article of the lybell, viz. neglecting and refusing to read the late proclamation by his Majesty King George, I answer that, though it is most certain that never any such proclamation came to my hands,

yet I did not (as is alleadged) pretend ignorance of the design, but desired my pariochioners to convene the day appointed, and gave them a sermon suitable to that occasion, so I presume that, seeing I answered the design by preaching a thanksgiving sermon, my not reading a paper which I never saw, cannot, in reason, militate against me. Upon the whole matters I hope the Reverend Presbytery will, upon mature consideration of the premisses, think fit to desist from so undue proceeding, as well for the regard they have for their own character, and function, as for the justice that is due to mine. But if, notwithstanding hereof, they shall proceed to cognosce upon the crimes lybelled, I must, with all due deference, protest against their proceedings, and that any sentence that shall be pronounced by them against me may be void and null, and that the Moderator of the said Presbytery, and remanent members thereof, may be conjunctly and severally lyable to me for all cost, skaith, damage, and expences I may incur by and through their unwarrantable procedure. And I crave that this my protestation may be marked in the Books of the Presbytery, and that I may have extracts thereof, and of the lybell, minutes, and hail proceedings of the Presbytery, as often as I may have occasion for the same. Upon all which I ask and take instruments in the hands of the Clerk of the said Presbytery, and also in the hands of Francis Moir, Notar Publick, on this first day of August 1716, before witnesses William Mitchell in Balfour, and Robert Gellan, son to Alexander Gellan in Bithnie. Sic subscribitur.

And : Jeffrey.

“ Mr. Jeffrey, as said in his defences, having protested, and asked, and taken instrument in the Clerk's hands, the Presbytery gave in the same answers which they had returned to Mr. Levingstone's defences, and recorded pages 245, 246, 247, and 248, and not needfull here to be repeated, their defences being the same, except that Mr. Levingstone objected against the examination of the witnesses. Upon all and sundry which answers Mr. Johnston reprottested that no regard should be had to Mr. Jeffray's protestation, but that the Presbytery should proceed in due form, as well for the regard they bear to their own character and function, as for the obligation they are under to appear against sin in the bounds, and thereupon took instruments in the Clerk's hands, and the Presbytery adhered to the said reprotestation.

"The said Mr. Jeffrey being asked if the paper he gave in was a Declinator, answered it was not, and he offering to withdraw was desired to stay, which being refused by him, the Moderator cited him apud acta to compear the 22d current at this place.

"The officer gave in an execution, bearing that he had summoned the witnesses for proving the articles contained in Mr. Jeffrey's lybell, which being read and sustained, they were called, but none of them compearing, the Moderator and Mr. Patrick Gordon were appointed to apply to the Quarter Session of the Justices of Peace, to sit at Ellon, August 7th, for their warrand to compell the recusant witnesses, who had their commission and an extract anent the said witnesses their not compearing. Signed and delivered to them for the end foresaid."

"Alford Kirk, August 22d, 1716.

"The brethren appointed to apply to the Quarter Session, reported they had done it, and obtained their warrand. Whereupon the Presbytery appointed the officer to summond the said witnesses to compear September the 6th. And Mr. Jeffrey being called and compearing was cited apud acta to compear the said day."

"Alford Kirk, September 6th, 1716.

"The said day the officer gave in an execution, bearing that he had summoned the following witnesses viz. John Black in Nether Mill of Alford, John Scot in Dorzéal, George Mitchell in Overtown of Aslown, William Mortimer in Broadhaugh, Peter Norrie, Merchant in Kirktown of Alford, Alexander Wilson in Cottown of Walhouse, Alexander Lawson in Midmill of Alford, John Marnach in Badevin, William Browny in Graystone, George Jeffray in Bridgeend of Alford, Peter Ritchie in Walhouse, William Laing in Kinstair, George Glennie in Kirktown of Alford, and William Christie, smith in Paddokhall. Which being read and sustained, both the said witnesses, and Mr. Jeffrey were called. Whereupon the said Mr. Jeffrey compeared, owned he had got the list of the witnesses, and having the lybell read over to him, owned it was the exact double of what the officer delivered to him. And being inquired

if he would confess the articles lybelled, or any of them, answered he had nothing to add to what he had formerly given in. Afterwards compeared all the foresaid witnesses, against whom Mr. Jeffrey declaring he had no objection, they were all solemnly sworn.

"Compeared John Black, aged about 50, married, purged of malice and partiall counsell, Being interrogate, deponed that he never heard Mr. Jeffrey pray for King George or King James during the late rebellion, but only for our righteous Sovereign the King, that he distinguished him by no epithet calling him Protestant King, but heard him not pray for success to any army. And being interrogate if he observed the fast day lybelled, answered he preached some week day in winter, but could not condescend on the particular day, and that he knew not for what end. Denied that he minded his preaching on the thanksgiving day lybelled, and was not present when any proclamation was read for observance thereof. And deponed he did not mind any proclamation read, whether for levying cess or men for the Pretender's service, nor did he mind any proclamation to be read by the said Mr. Jeffrey, with respect to the defeat of the rebels, *causa scientiae* he was his hearer. This is the truth &c. Declared he cannot write, but impowered the Clerk to subscribe for him Sic subscribitur Jo. Gordon for John Black.

"Compeared next George Mitchell, aged 30 years, or thereby, married, purged of malice, and partiall counsell, deponed, that he heard not Mr. Jeffrey pray for King James the Eighth by name, but only for our rightfull Sovereign; that he heard not the minister read that proclamation for the thanksgiving lybelled, but that it was read from the latron, and that the minister desired his people to convene, and preached that day, that he did not mind that the minister said, that the observance of that day would distinguish them from others, but minded nothing of the fast day lybelled. Deponed that he heard the minister preach the thanksgiving day for success against the rebels, but that the minister read not the proclamation, that he desired his people to come and hear sermon that day, but told them not for what end. And that there were no proclamations read by the minister for levying cess or men for the Pretender's service. *Causa scientiae* he was his hearer in the time. This is the truth &c. Sic subscribitur Geo: Mitchell.

"Compeared next Alexander Wilson, aged twenty-eight years, or thereby, unmarried, purged of malice and partiall counsell, Deponed that

he heard not the minister of Alford pray by name for King James the Eight, but only prayed for our rightfull Sovereign, the King's Majesty, minded not the fast day, but that he preached two week days, the one about February last, and the other about January, and that he was his hearer, and that he heard a proclamation read, befor that week day's sermon in February last, by the precentor, and that it was for the Pretender's safe arrivall, and that the minister desired his people to convene that day, and they should hear sermon, and intreated that they might be earnest with God, that he might prevent the effusion of Christian blood, and that he was in the Church the day before the thanksgiving for success to the defeat of the rebells, but did not hear a proclamation read for that end, but that the minister gave no reason for their convening but that the people could not too frequently serve God. *Causa scientiae*

This is the truth. Sic subscribit Al. Wilson.

"Compeared next John Scot, aged about fifty years, or thereby, married, purged of malice and partial councell. Deponed that he heard not Mr. Jeffrey pray for the King, but only for our rightfull Sovereign, the King's Majesty, without any distinguishing epithet, that the minister preached on a week day, in the time of the rebellion, but was not in the kirk the Sabbath befor, and therefore did hear no proclamation relative thereto, but heard him preach the day of the thanksgiving, for success in defeat of the rebells, but was not in the Church to know whether there was a proclamation relative thereto read or not, and heard him pray for the preventing the effusion of Christian blood. *Causa scientiae*, he was Mr. Jeffrey's hearer. This is the truth. Sic subscribitur John Scot.

"Compeared Alexander Lawson, aged about forty years, married, purged of malice and partial councell. Deponed he heard the minister of Alford pray only for our only rightfull Sovereign, without any distinguishing epithet, that he heard him preach on a week day, in the time of the rebellion, for stopping the shedding Christian blood, and that he heard him preach on a week day, about Candlemass last, he heard not the proclamation therefor read, but heard the minister desire his people to convene that day, and heard him preach about the 7th of June last, and knew not the design of preaching then. *Causa scientiae* he is his hearer. This is the truth. Declared he cannot write, but impowered the Clerk to subscribe for him. Sic subscribitur Jo : Gordon for Alexander Lawson.

"Compeared William Laing, aged about fifty, married, purged of malice and partial councell. Deponed that he heard Mr. Jeffrey, during the late rebellion, only pray for our rightfull Sovereign, without any distinction, but that in the moneth of January or February last, the minister preached upon a week day, but knew not the design, saving the preventing the shedding Christian blood, and heard him preach on a week day since February last, on King George's account, and heard the minister tell from pulpit the proclamation had not come to his hands, but he would observe the day. Causa scientiae he is his ordinary hearer. This is the truth. Sic subscribitur Will: Laing.

"Compeared Peter Norrie, aged twenty, or thereby, married, purged of malice and partial councell. Deponed that he heard Mr. Jeffrey pray only during the late rebellion for the righteous king, heard the minister preach on a week day, but does not mind if it was befor July or not, that he heard the minister speak nothing of a proclamation, but heard him desire them to convene to sermon, that he did not mind if he heard him preach about Candlemass or not, but heard no proclamation read for keeping any of these days. Causa scientiae he is his ordinary hearer. This is the truth. Sic subscribitur, Peter Norrie.

"Compeared next William Browny, aged about fifty, married, purged of malice and partial councell. Deponed that he heard Mr. Jeffrey pray only for the King's Majestie, that he never heard him name a king, but heard him in January or February last preach on a week day, which was, as he thinks, near or on, the 2d of February, and heard a proclamation read by the precentor, for keeping that day, and did hear the minister, upon the reading thereof, desire his people to convene that day, that he heard him on the 7th of June preach, but knew not the occasion, in regard the minister told it not. Causa scientiae he is his ordinary hearer. This is the truth. Sic subscribitur Wm. Browny.

"Compeared George Glenny, aged about twenty-three, married, purged of malice and partial councell. Deponed that he heard the minister preach on a week day, about Candlemass last, and heard a proclamation read, for the observing that day, by the precentor, that he heard him preach another week day, but cannot tell when. Causa scientiae he is his ordinary hearer. This is the truth. Sic subscribitur, George Glenny.

"Compeared next John Marnach, aged about fifty, married, purged of malice and partial councill. Deponed that the minister had sermon on a week day, the 2d of February last, that he was in the Church Sabbath immediately preceeding, but is not in the knowledge whether there was a proclamation read that day or not, but heard the minister desire his people to convene that day, that he knows well enough there was a thanksgiving appointed for the Pretender's safe arrival in Scotland, and that the minister preached on a week day after the fight at Shirriffmure. Causa scientiae he is Mr. Jeffrey's ordinary hearer. This is the truth. Sic subscribitur John Marnach.

"Compeared next George Jeffray, aged about thirty, married, purged of malice and partial councill. Deponed he heard Mr. Jeffrey preach on the 2d of February last, or thereby, being a week day, and heard a proclamation read, for observing that day, by the precentor, and that he named no king by name since he was his hearer. Causa scientiae he is his ordinary hearer. This is the truth. Sic subscribitur, Georg Jeffray.

"Compeared next William Christie, aged about thirty, married, purged of malice and partial councill. Deponed that the minister of Alford preached on a week day on or about the 2d of February last, bypast, or at least the beginning of that moneth, that he heard a proclamation read the Sabbath immediately preceeding, for keeping a thanksgiving, and heard the said Mr. Jeffrey, on the back of reading that proclamation, desire his people to convene that day, and heard the precentor read proclamations for levying cess and men, by Mar's authority, that the minister was in the pulpit when the proclamation for the thanksgiving was read, that he heard the minister preach about, or on, the 7th of June last, but heard the minister say that the proclamation was not come to his hands. Causa scientiae he is his ordinary hearer. This is the truth. Sic subscribitur Will. Christie.

"Compeared next William Mortimer, aged past forty, married, purged of malice and partial councill. Deponed that the minister preached on a week day befor the oat seed last, and heard the minister preach the 7th of June, or thereabout. Causa scientiae he is Mr. Jeffrey's ordinary hearer. This is the truth. Sic subscribitur, W. M.

"Compeared next Peter Ritchie, aged about fifty-four, married, purged of malice and partial councill. Deponed that he heard Mr. Jeffrey preach on a week day about Candlemass, and he thought he

preached to prevent Christian blood, but knew nothing if it was a thanksgiving for the Pretender's arrival or not. *Causa scientiae* he is his ordinary hearer. This is the truth. Declares he cannot write, but impowers the Clerk to sign for him. *Sic subscribitur* Jo: Gordon for Peter Ritchie.

"After the depositions of the above witnesses, Mr. Jeffrey was inquired if he had anything to offer to the Presbytery, who answered he had nothing. The Presbytery, considering it was far in the night, cited Mr. Jeffrey to compear befor them to-morrow at this place."

"Alford Kirk, September 7th, 1716.

"The Presbytery entering upon Mr. Jeffrey's affair, he was called and compeared, declared he had no new thing to offer to the Presbytery. The Presbytery, considering that Michaelmas was approaching, and that Mr. Jeffrey's worldly circumstances (who was now likely to be deposed), were exceeding straitning, delayed their proceeding to sentence till their next meeting, September the 26th, at this place, which being intimate to the said Mr. Jeffrey, he expressed his sense of their kindness, and was cited *apud acta* by the Moderator to attend the said day."

"Alford Kirk, September 26th, 1716.

"The Presbytery entering upon the affair of Mr. Jeffrey, he was called, and compeared. And he being told that the Presbytery being now to proceed in his process, had access to offer what new thing he thought proper, answered, that he had nothing to add. Whereupon, he being removed, and the Presbytery taking to their consideration the depositions of the witnesses who had been examined in the affair of the said Mr. Jeffrey, Episcopall incumbent at Alford, and having summed up the evidence, did find proven by concurring testimonies of several witnesses. *Primo*, that the said Mr. Andrew Jeffrey did observe, with his congregation, a day of publick fasting and prayer, which was appointed for imploring success to the Pretender's arms. *Secundo*, that the Sabbath befor the 2d day of February last, he was in pulpit, when the precentor, who was his own son, did read from the latron a proclamation emitted by the Pretender's authority, for keeping a thanksgiving for

the Pretender his safe arrival, and that upon the back thereof, he, the said Mr. Jeffrey, did intimate to his people to convene for the observance of the said day. *Tertio*, that accordingly the said 2d day of February, or some day lybelled in the beginning of that moneth, the said Mr. Jeffrey did preach, and observe that thanksgiving, which was appointed for the end, and by the authority foresaid. *Quarto*, that although the said Mr. Jeffrey did not pray for the Pretender, under the express name of King James the Eighth, yet he prayed for the king in such generall and ambiguous terms, as his hearers could not but understand he meant the said Pretender, for whose success he fasted and prayed, and for whose arrival he observed a public thanksgiving. *Quinto*, that though the said Mr. Jeffrey did judicially assert that he neither did, nor does neglect his duty in praying for his Majesty King George nominatim, yet it is proven by all the deponents, his ordinary hearers, that he never named any king since his Majesty's accession to the throne, and although he denyed the observance of any thanksgiving day, in behalf of the Pretender, yet the contrary is proven by several concurring witnesses, whereby he is manifestly guilty of two gross prevarications, and falsehoods.

"From all which it appears that the said Mr. Andrew Jeffrey has been guilty of an atrocious scandall in deserting the Protestant cause, espousing the interest of a Popish Pretender, in opposition to our only lawfull Protestant Sovereign King George, and thereby in being art and part in carrying on that wicked design of subverting the Protestant religion and the present happy establishment, and of introducing Popery and arbitrary power, whereby he discovers himself to be a man of heterodox and unsound principles, as well as of bad morals. Upon the whole, the Presbytery (after prayer to God) having stated the vote, Depose the said Mr. Andrew Jeffrey from the office and exercise of the holy ministry, or not, and rolls being called and votes marked, it carried unanimously, Depose. Therefore the Presbytery did, and hereby do, in the name of the Lord Jesus Christ, and by virtue of that authority he has left in his house, and committed to them, depose the said Mr. Andrew Jeffrey from the office and exercise of the holy ministry in all the parts thereof. And the said Mr. Jeffrey being called, and compearing, had this sentence intimate to him judicially by the Moderator, in the Presbytery's name. Upon which the said Mr. Jeffrey gave in a paper, indorsed, Appeal, Mr. Andrew Jeffrey, minister at Alford, from the

process and sentence of the Presbytery of Alford, the tenor whereof follows, I Mr. Andrew Jeffrey, minister of the gospell at Alford, being cited to compear befor the Presbytery of Alford, upon the 1st day of August 1716 years, to answer to the several articles of a lybell exhibited against me, did, upon the foresaid day, compear, in order to vindicate myself and ministeriall conduct, from the calumnious imputations of the said lybell, and gave in such defences as seemed to me, and in the judgment of lawyers, competent to exclude the Presbytery's jurisdiction, viz. that being an Episcopall minister, duly qualified according to law, I am by several Acts of Parliament, as yet unrepealed, exempted from all dependance on, or subjection to, the jurisdiction of the Presbyterian Church, and that the Presbytery being only an Ecclesiastick Judicatory, could have no competent power to cognosce upon the crimes charged in the lybell, to examine witnesses thereanent, or to pass any sentence thereupon, and that for the reasons contained in a paper given in by me, the foresaid 1st day of August. Upon all which I protested against the said Presbytery, and their unwarrantable procedure, as my protestation of the date foresaid more fully proves. To which protestation, together with the reasons on which the same is founded, I do still adhere, not doubting but they will be found relevant when impartially considered befor a competent judicatory. Nevertheless the Presbytery, without the least regard had to my said protestation, and defences, or to the severall standing Acts of parliament urged in my favours, thought fit to insist in their process, but the witnesses, whom they had summoned against me, declining to appear, least their submission to unlawfull authority might happily prove of dangerous consequence, they cited me apud acta to attend the Presbytery upon the 22d day of August, and no evidence being as yet adduced against me, I was again cited apud acta to appear befor them upon the 6th day of September. Upon which day I appeared for my own vindication, as did also the witnesses, being expressly appointed, and commanded so to do, under the pain of paying each an hundred merks, and imprisonment conform to a decreet passed against them, by the Justices of the Peace, met at their Quarter Session at Ellon, upon the 7th day of August last. And thereafter the Presbytery did most unwarrantably proceed to examine the witnesses. And having again cited me befor them upon the 26th day of September, they did, most illegally, give forth and pronounce the sentence of deposition,

albeit there was nothing proven that could in the least militate against me, to which sentence I can no ways obtemperate, and that for the reasons given formerly in by me to the said Presbytery, to which I do still adhere in all points. And till it shall be made appear by sufficient legall documents that they have a competent power and authority, to cognosce upon the crimes lybelled, and that I am subjected to their jurisdiction, I do protest against any proceedure of the said Presbytery in the present process against me, and seeing all sentences pronounced by an incompetent judicatory are in themselves invalid, I do protest that the sentence passed against me by the said Presbytery is of no force nor effect, nor in the least prejudicial to me in my ministry, and reputation. And since, notwithstanding all and sundry the premisses, they have proceeded to sentence against me, therefore I do protest and appeal to any civil judge competent for redressing of such injuries, especially to the righteous and impartial tribunal of Jesus Christ, who, without respect of persons or parties, will judge all. And desiring this may be recorded in the journals of the said Presbytery, that I may have an extract of it, as often as I may have occasion for the same, under the hands of their Clerk. Whereupon all and sundry the premisses, I, the said Mr. Andrew Jeffrey, take instruments in the hands of Mr. John Gordon, minister at Glenbucket, Clerk to the said Presbytery, and in the hands of Francis Norrie, Notar Publick, upon the 26th day of September, 1716 years, befor these witnesses, Alexander Garioch of Kinstair, and Alexander Ross, my servant. Sic subscribitur Andrew Jeffrey.

"The said Mr. Jeffrey having protested and appealed, as in his said paper, Mr. Garioch reprottested that no regard should be had to the said protestation, and appeal, there being nothing new and material therein, from what the said Mr. Jeffrey had advanced formerly in his defences, except that he alleadges that there was nothing proven that could in the least militate against him, which is of a piece with his brother Mr. Levingston's disowning his judicall confession, as will appear to any who impartially consider the depositions of the witnesses, and compare the grounds upon which the sentence of deposition is founded with the same; protested that the sentence was good and vailid, and thereupon took instruments in the Clerk's hands. To which reprotestation the Presbytery adhered, and appointed Mr. Patrick Gordon to preach at Alford, September the thirtieth, to intimate the said sentence of deposition, and to declare the Kirk of Alford vacant."

Note.—Mr. Jeffrey, though deposed, refused to vacate the Manse. The parishioners seem to have sympathised with their minister (p. 280 of Minute Book). Application was made to the Sheriff, "with respect to the eviction of Mr. Andrew Jeffrey," so that a successor might be settled in the parish (Mr. James Gordon from Bourtie) (p. 283). On p. 284 it is stated, that though "the Sheriff Substitute had undertaken to evacuate the Manse of Alford, it was not yet done." On p. 287 it is stated that the Manse was now "rid and void." A day was accordingly fixed for Mr. Gordon's "admission," which took place on 30th July, 1717.

Mr. JOHN ROBERTSON, Strathdon.

"Alford Kirk, January 23d, 1717.

"The said day also the Presbytery taking under their consideration that Mr. John Robertson, Episcopall Minister at Strathdon, was likewise liberat from prison, by the Habeas Corpus Act, and that he was alleadged to have given great scandall by his rebellious practices, dureing the time of the late unnaturall rebellion, did therefore appoint their clerk to draw up a lybell containing the following heads, viz. His praying publickly in the Kirk of Strathdon, or in his own family, during the late rebellion, for the Pretender, under the name of King James the Eight, or in equivalent terms, and for success to the late Earl of Marr his rebellious arms: His observing a fast for success to the Pretender his wicked design, and a thanksgiving for his safe arrivall in Scotland; His reading a proclamation for observing thereof, and desireing his people to convene that day, as also his neglecting to pray for King George during that unhappy rebellion. Appointed also a list of witnesses for proving the foresaid particulars against Mr. John Robertson, to be subjoined to the said lybell, and the officer to summond the said Mr. Robertson to compear February 13th, and to deliver a true copy of the lybell, with a list of the witnesses names, and designations, to him, both of them subscribed by the Moderator and Clerk, and to summond all the witnesses to the foresaid dyet, and to give them all the heads of the lybell ingrossed in their citations."

" Alford Kirk, February 13th, 1717.

" The said day the officer gave in ane execution, bearing he had cited Mr. John Robertson, Minister at Strathdon, had delivered him a copy of the lybell, with a list of the witnesses names, and designations, subjoined thereto, and also the witnesses for proving the articles contained in the said Mr. Robertson's lybell, which being read and sustained, the said Mr. Robertson was called, and compeared, and he being interrogate if he was cited to this dyet, answered, that he had received a summons, but the day of compearance therein contained was elapsed, even befor the officer laid it on. Which summons being produced, it was found, that, through mistake, he had been cited to a wrong dyet. The Moderator, in the Presbytery's name, asked if Mr. Robertson would sustain the summons as formall, in order to prevent trouble to himself, and to the witnesses who were come up, but could not be now examined, unless this was condescended to by him. To which the said Mr. Robertson replied, that he was not ripe to give a present answer, but should retire a litle, and have the proposall under consideration, and return with ane answer, which accordingly he did. Being called, and told he was willing to own the citation as good, and that the Presbytery should proceed in the affair. Whereupon the lybell, being read over in his hearing, he owned it was the same in all points with what was delivered him by their officer. And being interrogat upon the severall articles of his lybell, replied, and confessed as follows viz: that during the time of the late rebellion he prayed for the Pretender, but with these limitations, that God would incline his heart to be a true Protestant, and if it were God's will he would bring him to the throne who was lawfull heir to our native kings, if not, that he would be pleased to incline him to set his heart upon ane heavenly kingdome; that he prayed God would preserve the Earl of Marr, and his own parochiners from sin, and wrath, and every mark of God's displeasure, and bring them safe home again; that he observed the fast day lybelled, and prayed for the Pretender, the Earl of Marr, and his own parochiners, and that God would reconcile disagreeing parties; that he did read the proclamation for thanksgiving from pulpit, but not observe the thanksgiving because his people were out on parties, and therefore had none to keep it with him; that he did not pray for King George in the time of the rebellion, but prayed for him befor, and since

that time, nominatim. The Presbytery, after recording and considering the above confession, having called in the witnesses dismissed them, there being no need of their depositions; and their time and business not allowing to proceed any further in the said affair at present, cited Mr. Robertson apud acta to compear the 28th of this current, at this place, befor them."

"Alford Kirk, February 28th, 1717.

"There was a letter of excuse produced from Mr. John Robertson, minister at Strathdone, which being read was sustained, and he engaging therein to attend the next meeting, if acquainted therewith, there was a letter written to him, desireing him to attend the 20th of March, at this place."

"Alford Kirk, 20th March, 1717.

"Mr. John Robertson at Strathdone, minister, being called, compeared. The Presbytery considering that they had nothing to exped his affair at this meeting, summoned him apud acta to compear at this place Aprile 24th."

"Alford Kirk, Aprile 24th, 1717.

"The Presbytery entering upon the process of Mr. John Robertson, Episcopall incumbent at Strathdone, there was produced a letter of excuse from the said Mr. Robertson, bearing that he was valetudinary, and not in case of body to come to this meeting, and promiseing to attend the next dyet, if they would acquaint him therewith. Which excuse the Presbytery sustained, and appointed Mr. to acquaint him with the next meeting."

"Alford Kirk, May 3d, 1717.

"Mr. John Robertson, Episcopall minister at Strathdon, being called, and compearing, had his confession read over to him, to which he adhered, as the genuine confession made by him February 13th, and declared he had nothing to offer; after which being removed, and the Presbytery, upon considering his said judicial confession, finding therefrom,

Primo, That he had, in the time of the late rebellion, prayed that the Pretender might be brought to the throne, who was lawfull heir to our native kings. *Secundo*, That he had likewise prayed that God would preserve the late Earl of Marr, and his accomplices. *Tertio*, That he had observed the fast lybelled, and upon that day prayed for the Pretender, the Earl of Marr, and his own parochiners (then viz. with the said Earl in arms against the Government). *Quarto*, That he read the proclamation for thanksgiving from pulpit, but did not observe it, because his people were forth upon parties the said day, and so had none to observe it with him, and *Quinto*, That he did not pray for King George in the time of the rebellion, though he had done it nominatim both befor, and since the rebellion. Whereupon the vote was stated thus, Depose the said Mr. John Robertson from the office and exercise of the holy ministry, in all the parts thereof, or Not. And one appointed to pray, to which the said Mr. Robertson was called in, and after prayer withdrawing. The Rolls being called, and votes marked, it carried unanimously Depose. Wherefor the Presbytery did, and hereby do, in the name of the Lord Jesus Christ, and by virtue of that authority he has left in his house, and committed to them, depose the said Mr. John Robertson from the office and exercise of the holy ministry, in all the parts thereof. And the said Mr. Robertson being called, and compearing, had this sentence judicially intimate to him by the Moderator, in the Presbytery's name. And appointed Mr. Garioch to preach at Strathdon, May 19th, to intimate this sentence to that congregation, and to declare the Church of Strathdon vacant, and the Moderator to acquaint Mr. Garioch therewith."

Mr. JOHN ALEXANDER, Kildrummy.

"Alford Kirk, January 23d, 1717.

"The which day the Presbytery taking into consideration that Mr. John Alexander, Episcopall Incumbent at Kildrummy, was now liberat from prison upon the Habeas Corpus Act, and that he was alleaged to have given great scandall by his rebellious practices during the time of the late unnaturall rebellion, they therefore appointed their Clerk to draw up a lybell, containing the following heads viz. His praying

publicly in Brae Marr for success to the Pretender's arms, when the standard was displayed there; His counselling and adviseing severall persons to rise in arms against our Sovereign King George; His praying publicly in the Church of Kildrummy, or in his own house during the late rebellion, for the Pretender under the name of King James the Eight, or in equivalent terms, and for success to the late Earl of Marr his rebellious arms; His observing a fast for success to the Pretender's wicked designs, and a thanksgiving for his safe arrivall in Scotland; His reading a proclamation for observing thereof, and desireing his people to convene that day, as also neglecting to pray for King George during that unhappy rebellion. As also the Presbytery appoints a list of witnesses for proving the foresaid particulars against Master Alexander to be subjoined to the said lybell, and their officer to summond Master John Alexander to compear before them at their next meeting in this place, February 13th, and to deliver a true copy of the lybell, with a list of the witnesses names to him, both subscribed by the Moderator and Clerk, and also appoints the officer to summond the witnesses to the foresaid dyet, and to give them all the heads of the lybell ingrossed in their citations."

"Alford Kirk, February 13th, 1717.

"The said day the officer gave in ane execution bearing he had summoned Master John Alexander, Episcopall Incumbent at Kildrumie, and the following witnesses to this dyet viz. James William in Balwiry, John William in Sunnhard, Arthur Weir, gardener in Culqhwoich, William Gibbon in Knowhead, John Tough in Nether Kildrumy, William Tough, younger there, Charles Reid in Mains of Kildrumy, William Cordiner there, John Duff, Bridgeend of Mosset, James Reid in Old Morlich, Alexr. Leith there, Patrick Forbes in New Morlich, William Clerk in Glencuy, Alexr. Piery in Mill of Kildrumy, and Arthur Gibbon in Nether Kildrumy, Thomas Cook, officer at Kildrumy, and John Walker in Pittandlich, as also that he had delivered a copy of the lybell with a list of the former witnesses to the said Master Alexander, which execution being read and sustained, Master Alexander was called, Whereupon Coline Petry his son-in-law compeared and gave in a letter from Master Alexander, bearing that he was valetudinary, and not able to come to the Presbytery, being he had a complex of diseases in his body, and besides

that he thought not himself obliged to answer at this time, seeing he had been summoned to a wrong dyet. The said Coline Petry being desired to give a sight of the sumonds, after much adoe did at length produce it, and the Presbytery finding that their officer had mistaken the dyet unto which Mr. John Alexander should have been cited, they again appointed their officer to give the said Master Alexander another copy of the lybell with a list of the witnesses names, and timeously to summond him to compear before the Presbytery at this place the 28th of February current. They also agreed that seeing the witnesses, as they were informed, were come up, that they should be called in and summoned apud acta to compear the foresaid dyet, to bear leal and sooth fast witnessing in the affair and lybell of Master John Alexander, as the legall and formall copies of the summondses formerly delivered them did more fully inform, as also that the warrand from the Justices of Peace, with respect to their amerceaments and imprisonment in cace of non-compearance should be judicially read to them, and the witnesses being called in, all of them compeared, and were cited apud acta to compear the foresaid 28th of February, and had the sentences of the Justices of Peace read over to them as above. Afterwards the Presbytery finding that notwithstanding Master Alexander had signified to them in his letter that he had a complex of diseases in his body, and consequently not able to come to this place, yet that he was really come up, and upon the spot, they appointed their officer immediately to deliver him a copy of the lybell, with a list of the former witnesses in due form, and to summond him to their next meeting February 28th precisely."

"Alford Kirk, February 28th, 1717.

"The said day the officer gave in ane execution bearing that he had summoned Master John Alexander, Episcopall Incumbent at Kildrumy, to this dyet, which being read was sustained, and Master John Alexander being called compeared, and owned he was legally summoned to compear before the Presbytery this day, and that he had received a lybell with a list of the witnesses names in due form, but in the meantime declined to answer to the particulars contained in the lybell, and referred all to the probation of the witnesses, which the Presbytery being about to call Master Alexander gave in a remonstrance, the tenor whereof follows

Whereas Master John Alexander having been made prisoner by virtue of a committment for crimes therein contained, wherewith he is charged by the civill government, and the matter thereupon being brought before the Lords of Justiciary, the said Master John did apply to the Lord Royston for obtaining letters in terms of the Act of Parliament for preventing wrongous imprisonment, by virtue whereof due and lawful intimation was made to Sir James Stewart, His Majesty's Sollicitor and Advocat Depute, for his tryall within sixty days after the said intimation, and thereafter the time limited by Law for insisting in any process against him being elapsed, he was clearly therefore intituled by the foresaid Act of Parliament to his liberation, and was accordingly set at liberty on his finding bail to compear before the said Lords of Justiciary at any time when called for, within the space of twelve moneths, to answer for the crimes charged against him, and for his loyall and peaceable behaviour in the meantime, as appears from the letters of liberation under the hand of Alexr. Ross, Deput Clerk of Justiciary. By all which it evidently appears that the cognition and tryall of the said Master John for the said crimes is sisted and brought before the Lords of Justiciary as the supreme criminall judges, and therefore the said Master John begs leave to offer and give in his remonstrances to this reverend meeting. That since no man is obliged in law to answer for pretended crimes before two courts at once, nor can there be any scandall till the crimes be notified and proven. And now that this whole affair was tabled before the honourable the Lords of Justiciary in prima instantia, and depends there still, he hopes this will sufficiently excuse him from answering before any other subordinat Court, but especially ane ecclesiasticall, since the Presbytery can in no sense be construed a competent Judicatory for the cognoscing upon the said crimes, as is evident from the 132 Act of the 8th parliament of King James the 6th, where the crimes inferring the deprivation of Ministers are divided into two classes viz. those subject to the cognition of the church which are particularly Heresy, Popery, false and erroneous doctrine, common blasphemy, common drunkenness, non-residence, plurality of Benefices, dilapidation. These under the cognisance of capitall and criminal judges are Treason, slaughter, mutilation, adultery, incest, theft, common oppression, usury, perjury, and falsehood. And the said Act declares that any minister before his deprivation by the clergy must be convict of the foresaid crimes by the criminall judges,

upon all these considerations he thinks when the affair is justly stated and set in its true light that the Reverend Presbytery will not interfere with the Lords of Justiciary who are the only Judges competent to the cognition thereof. Finally, he expects that his offers shall meet with such favourable consideration from the reverend meeting that they will do him the justice as not to interpret this his remonstrance, contumacy, or stubbornness, but will have that regard to present situation of this affair, as to put a stop to the process against him, at least for some time till his bail expire, sic subscribitur John Alexander. The former paper being read, Master Alexander removed, and the Presbytery taking his remonstrance to their consideration, could find nothing in it that might hinder them from proceeding in his affair and lybell, and Master Alexander being called in had the same intimat to him, upon which the said Master Alexander protested against the Presbytery's procedure, upon grounds contained in the remonstrance, and further protested for all cost, skaith, and damage he may sustain by this process intended against him.

"The Presbytery agreed that they should proceed in the examination of the witnesses, and they being called one by one three severall times at the most patent door of the church, compeared William Clerk in Glencuy, and John Walker in Pittandlich. Master Alexander being interrogat if he had any objection against them, declared he had none, upon which they were solemnly sworn, purged of malice, and partiall counsell.

"William Clerk, aged above fifty, married, nihil probat. John Walker, aged about thirty, married, nihil probat. Afterwards compeared James Reid, in Old Morlich, and Master Alexander, declaring that he had nothing to object against his being admitted as a witness. Whereupon he was solemnly sworn, purged of malice, and partiall counsell, aged about thirty, unmarried. Depones he heard a man's voice praying, but he saw no man's face, at the erecting of the standard, whom he could distinguish from another, and that he saw Master Alexander at the water of Cluny, when they were on their march, and supposed that it was like, though he cannot be positive that it was the minister of Kildrumie's voice, and depones he heard it was the minister of Kildrumie who prayed when the standard was erected, and depones he could not hear his word distinctly. Sic subscribitur James Reid.

"The Presbytery finding that more of the witnesses were not come

up notwithstanding they had been warned of the hazard they were in, if they compeared not, they therefore appointed Master Copland, minister at Touch, to repair to the Justices of Peace who signed the warrand, and represent the disobedience of the witnesses to them, and crave of the foresaid Justices that they would do everything proper for vindicating their authority, and compelling these witnesses to compear, and the Clerk was appointed to draw up a commission to Mr. Copland for that effect, and Mr. John Alexander was summoned apud acta to compear before the Presbytery March the 20th."

"Alford Kirk, March 20th, 1717.

"Master John Alexander being called, compeared, but declined as formerly to answer to the particulars contained in the lybell, but referred all to the probation of the witnesses, and being enquired if he had detained the witnesses the preceding Presbytery day, answered, that he denied the whole matter of fact.

"The Presbytery being acquainted that all the witnesses who had not compeared the former Presbytery day were now present, they agreed that they should be allowed to compear, and being interrogate upon their compearing, why they came not up to last meeting, they answered that they did not understand the nature of ane apud acta citation, but expected another summons, and withall declared that they were now come up to depone in the affair of Master John Alexander.

"Arthur Weir in Culghuoich, John William in Sinnahard, James William in Bellwiry, John Tough in Nether Kildrummy, and William Gibbon in Knowhead, being particularly called to depone in the action lybelled against Master John Alexander, the said Master John did object against the above-named five witnesses, that they ought not to be received to depone upon the contents of the lybell given him at the instance of the Presbytery, in respect they are habit and repute as of the number of those rebellious accomplices that were with the late Earl of Marr in arms at Braemarr, and therefore, till they be purged of the said scandall, cannot be sustained as habilestestes in law, upon which he protested and took instruments, as also he protested against William Tough, younger, in Nether Kildrummy, and Patrick Forbes in New Morlich, upon the foresaid grounds. Upon which Master Thain, in

name of the Presbytery, re-protested that the former objection and protestation were groundless, and no regard should be had thereto; because *primo* no objection can be admitted against persons adduced to witness in any affair, unless the same were instantly verified, which the said Master Alexander has not done in the present case. *Secundo*, though these persons might have been at Braemarr with the late Earl of Marr, yet it does not follow that they were among the number of his rebellious accomplices, because its nottour in the country side that many of the poor country people were only brought up thither upon pretence of hunting, and when they were there were pressed to go along with the rebels contrary to their inclinations, and howsoonever they had an opportunity of deserting they came home, thereby testifying their want of inclination to rebel, which all the persons against whom the objection is made really did, and the goverment is so conscious of this that they have never called any of these people to an account for their being in the rebellion. The said Arthur Weir, James William, John William, John Tough, and William Gibbon were solemnly sworn.

"William Gibbon, aged about fifty, being purged of malice and partiall councill, a widower, deponed he saw Master John Alexander, minister at Kildrumie, in Braemarr, when the standard was erected, and that he did hear one pray, but he did not know that it was Master John Alexander, and that he heard by report it was Master John Alexander that prayed the foresaid time, and declared he would not say it was Master John Alexander's voice he heard, or anothers, being that many men's voices are alike, but he is not positive. And deponed that he heard Master Alexander pray in his own house for King James, *causa scientiae* he was at the door, when there was some congregation mett in his house after Shirreff Muir. Deponed that he cannot write, but empowered the Clerk to sign for him. Sic subscribitur Patrick Gordon for William Gibbon.

"Arthur Weir, aged about forty, purged of malice and partiall councill, married, deponed he saw Master John Alexander in Braemarr that very day the standard was erected with the late Earl of Marr, and army, that he heard a man pray, but could not tell if it was Master Alexander or not, and that he heard it in the army that Master Alexander was the man that prayed. Declared he could not write, but empowered the Clerk to subscribe for him. Sic subscribitur Pat. Gordon, Presbytery Clerk.

"John Tough, aged about forty, married, purged of malice and partiall councell, deponed he saw Master John Alexander in Braemarr the time the standard was erected, and did hear him praying at that time, and that he did observe a day of thanksgiving, and that he heard him in his house praying for the Pretender, under the name of King James the Eight, after sermon, and when the congregation was convened there after Shirreff Muir; and deponed he heard the Reader read a proclamation for the great Cess, and that Master John Alexander was in the pulpit meantime. Sic subscribitur John Tough.

"John William, aged about thirty, married, purged of malice and partiall councell, deponed he saw Master Alexander in Braemarr in the army, where the standard was erected by the late Earl of Marr, and that he heard one pray, and that as the voice was, it was he, but it might have been another, and in the meantime he deponed, he judged it was the minister of Kildrumy who prayed, and declared he cannot write, but empowered the Clerk to subscribe for him. Sic subscribitur, Pat. Gordon, Pby. Clk.

"James William, aged about thirty, married, purged of malice and partiall councell, nihil probat.

"Afterwards Alexr. Leith in Old Morlich, Patrick Forbes in New Morlich, William Tough, Younger, in Nether Kildrumie, Charles Reid in Mains of Kildrumie, and John Duff in Bridge-end of Mosset, were particularly called, and Master Alexander being interrogat if he had any objection against them, told he had no objection against the two last named, viz. Charles Reid and John Duff, but that he had already protested against the three former their examination, upon which they were all solemnly sworn.

"Charles Reid, aged about twenty-six, unmarried, purged of malice, and partiall councell, nihil probat.

"Patrick Forbes, aged above fifty, married, purged of malice and partiall councell, deponed he saw Master Alexander in his return from the army beyond Invercald, and that he was in the rear of the army when he saw him, and that he heard a man's voice praying, but knew not who he was who prayed. Deponed he cannot write, but empowered the Clerk to subscribe for him. Sic subscribitur, Pat. Gordon, Pby. Clk.

"Alexander Leith, aged above fifty, married, purged of malice, and partiall councell, deponed he saw Master Alexander in Braemarr when

he was returning from the army, and deponed he cannot write, but empowered the Clerk to subscribe for him. Sic subscribitur, Pat. Gordon, Pby. Clk.

"John Duff, aged fifty, married, purged of malice and partiall councill, deponed he heard Master John Alexander pray for the Pretender, under the name of King James the Eight, when the congregation was convened in his own chamber. And being interrogat if he observed a thanksgiving for the Pretender about Candlemas, answered it was on Candlemas day, one thousand seven hundred and sixteen, or thereabout, that he observed a day. But whether it was a thanksgiving or not he could not tell, but he called the congregation together to his own chamber, because he was indisposed, and not able to go to Church. Sic subscribitur John Duff.

"William Tough, aged above fourtie, married, purged of malice and partiall councill, deponed he saw Mr. Alexander in Braemarr when the Earl of Marr erected his standard there, and that he did not hear the said John Alexander pray at that time, and deponed that he never heard him, either in the Kirk of Kildrumy or in his own house pray for the Pretender under the name of King James the Eight, and deponed that he heard one pray for the Pretender under the name of King James the Eight, in the minister of Kildrumie's house, but whether it was himself or his son he did not know, and deponed that he observed a day of fasting about Shirreff Muir, and that he observed a day of thanksgiving about Candlemas one thousand seven hundred and sixteen, for the Pretender's safe arrivall. Sic subscribitur William Tough.

"Afterwards Arthur Gibbon in Nether Kildrumie, William Cordiner in Mains of Kildrumie, Alexander Piery at Mill of Kildrumie, and Thomas Cook, officer at Kildrumie, were particularly called, and Master John Alexander being enquired if he had any objection against them, declared he had none, upon which they were all solemnly sworn.

"Arthur Gibbon, aged about twenty-eight, married, purged of malice, and partiall councill, deponed he heard Master John Alexander pray for the Pretender under the name of King James the Eight, and that in his own chamber, where the congregation was convened there during the late rebellion, and that he convened the congregation in his own chamber to preach to them, because he was lame at that time, and not able to go to

church, and depones he cannot write, but empowered the Clerk to subscribe for him. Sic subscribitur, Pat. Gordon, Pby. Clk.

"William Cordiner, aged about twenty-five, married, purged of malice, and partiall counsell, nihil probat.

"Alexander Piery, aged above fifty, married, purged of malice, and partiall counsell, deponed he heard Master Alexander pray for the Pretender, under the name of King James the Eight, in his own chamber, the congregation being convened there, and that a little before Candlemas day one thousand seven hundred and sixteen, and that a day was observed by the said Master Alexander of thanksgiving for the Pretender's safe arrivall, and that about Candlemas, year foresaid, in his own chamber, because he was indisposed to go to the Church. Sic subscribitur Alexander Piery.

"Thomas Cook, aged about fourty, purged of malice, and partiall counsell, deponed he heard Master Alexander one day in his own house, pray for the Pretender under the name of King James the Eight, during the time of the late rebellion, and declared he cannot write, but empowered the Clerk to subscribe for him. Sic subscribitur Pat. Gordon, Pby Clk.

"The witnesses having all of them deponed as above, they were dismissed, and Master Alexander being removed, the Presbytery did find that the time was farr spent, and that they had much other business to do, so that they could not at this time proceed to a finall determination in the matter, and considering the Synod mett before they could have another ordinary meeting of their Presbytery, and that the Synod's sentence would have much more weight and authority in the countrey side than theirs would have, therefor did, and hereby do refer the said affair to the Synod of Aberdeen, to meet at Aberdeen on the second day of Aprile next for their finall determination therein, and appointed their Clerk to draw out ane extract of the said affair to lay before the Synod for that end, and Master John Alexander being called in had this intimat to him, and was summoned apud acta to compear before the Synod of Aberdeen the third day of Aprile, at ten o'clock, with continuation."

Note.—There is nothing further in the Presbytery Minutes anent Mr. Alexander's case, except the following in Minute of Meeting held at Alford Kirk, April 24th, 1717 :—"The Presbytery finding that ane

extract of Mr. Alexander his whole process had been laid before the last Synod, that the Synod had passed the sentence of deposition against him, and appointed Master William Garioch to preach at Kildrumie, and intimat said sentence there, and to declare the said church vacant, but finding that the said Master Garioch had not obeyed the appointment of the Synod, they did appoint Master William Johnston to obtemperate the Synod's appointment, in all the clauses and parts thereof, and that Sabbath next."

Dr. Hew Scott, in his "Fasti," states that Mr. Alexander died in August following his deposition, aged about 76.

XIII.

LETTER WRITTEN BY REV. JOHN ALEXANDER, OF
KILDRUMMY, TO HIS WIFE.

Edinburgh from our Prison in Winton House in
the Canongate, *April 14, 1716.*

My Dearest,

The hurry we are in and croud of Visitants since we came here hinders. I cannot at present give you that full a/c of me and fellow-prisoners I would otherwise.

It is enough to tell you in general that in our progress to this place we have suffered the most barbarous and inhuman treatment ever was heard of in a Christian Country, and have been exposed in all the townes we travelled thro' to all the mock pomp and outrage could be offered to Clergiemen. Yet God was with us and has strengthened and upheld us ; so that at the time, we are in a good habit of health. From Abd., qr we parted with our good, kind, and compassionat friends, I pray God to reward them and return their favours to us into their own bosom a hundredfold. We came that night to Stonehive, being each of us on the rode guarded by a Dutch Souldier, riding two toghether, who tied a long thong of leather to our bits, and hal'd us and drove us as they pleased.

At Stonehive, after they had kept us a long time upon the Streets, we were shut up altoghether into their prison house, a theives' hole, and were like to be stifled for want of air. We got in at last some straw and tumbled down toghether like so many pigs in a hogsty.

I cannot ever forget the kindness of the inhabitants to us who brought us in blankets and clean linnen. Dr. Garden and I, who have been inseparable companions in this doleful progresse, lay toghether in a Corner and were easie, and resolved by God's grace to suffer the worst could befall us with ane undaunted courage. Wee were singularly obliged to Mrs. McKeinzie's kindness and the rest of the town's people.

I kept still with me—being so infirm in my health by reason of a late smart fit of the gravel I had in the prison of Abd., and so we took journey—Wm. Rait's horse, but the rest of the gentlemen were very ill appointed, riding all the way from Stonehive to Montrose qr we Came fridyen night, upon pitiful work-beasts of horse, without saddle or bridle upon sods &c.

The honest, worthy doctor this days march was very ill appointed, riding upon a wretched animal without saddle or bridle, only wt a halter.

When we came to Montrose about four afternoon, we were detained on horseback at Crosse a long long hour ere we were ordered to our jail, the whole town and wondering Crowd gazing upon us, some God forgive Them laughing and flouting at us, but the greatest part wringing their hands and shedding volleys of tears for us, at length, tho' they had ane upper prison, we were condemned, as if we had been the worst of Malefactors to a low dungeon, where we were so crowded, that we had scarce room to sit or stand, and no thing allowed us to sit down upon, and a long time ere we could have any to clean or sweep the hole. We got in some Litter and lay at night (before) the good people of the Town bringing us in plaids and Linnen. The people of the Town, especially the good women, to whom we have been inexpressibly beholden all the road, thronged in and visited us, and suffered us to want no thing was proper for us. Here all the prisoners had plenty of provisions sent them.

Saturday, Aprile 7th.—Wee came at night to Aberbroth, qr wee were yet worse used, thrust in to the worst jail I think in the kingdom—twenty one of us in number—a nasty filthy hole qr we had nothing to sit upon, but an old bier upon wh they carry out prisoners and poor people to the grave. Here we were kept five long hours ere we could have either meat or drink, though we had fasted all the day. Yet even here our good God did not forsake us, but stirred up the Compassion of a deal of good women who sent us in some bottles of ale and furnished us with bed-cloathes—partecle we were bound to Dr. Burnett's wife sister Mrs. Reid, who was very kind to us.

Sunday, Aprile 8th.—We travelled to Dundee, and came there about the ringing of the last bell to afternoon preaching. We were held upon the street a long hour, the and derision of the whiggish mob of that town, and at last put in prison, the best I believe in the nation, qr we had a large gallerie to walk in, and got in bedding. Here the good

women and Citizens showed a deal of Kindness. I here again turned very unwell and was seized with a most racking fit of the collick, but praised be God, after midnight I turned wonderful easier. Here we stayed Monday all day wh rested us.

Tuesday, Aprile 10th.—We travelled to Cupar in Fife and there we met with Coupar justice indeed! after a deal of indignities and insulting over us, by the ill natured mob qll we waited at the Crosse. We were thrust into the nastiest and narrowest vaults imaginable. Our troop of prisoners being now become very numerous by the accession of a deal of Angus gentlemen and other three Clergiemen, vizt.—one Mr. Elphinston, Chaplain to My lady Strathmore at Longforgan, and one Mr. Lindsay, min^r at Carriston, and one Mr. Lyon, but he was kept behind, being Libelled by the presbytrie of Dundee, and was to become a Sacrifice to yr rage. Mr. Lindsay a min^r was pushed and driven here into a hole—the keeper of the prisone who has served yr for 7 years protesting he had never seen man put yr before—and qr he and a great many others hungered. Here we had like to be stifled for want of air, and with stench, and pinched with hunger and thirst ere we could get anything in, which was only through a Grata. After all here God stirred up a deal of good women who made a shift to get us in something to lye upon and to eat. I was partarlie obliged to poor Andrew Chaplain's wife, who was one of those three that sheltered at my house a night. She is a very discreet, honest woman, and afforded me and Dr. Garden plaids to lye in.

Wedensday.—Wee were carried to Kirkaldie, through all the litle towns of fife on the rode as a Rareeshew. And here I must thankfully owne to the Comendation of that place qr we looked for the worst of treatment yt the Magistrats treated us most civillie, allowing us yr Town Council House a very sweet, large, well-lighted room to lodge in all night, and brought in to us meat and drink in abundance. This was like a Resurrection to us.

Thursday.—We crosst the forth, at Kinghorn. I sent for my son Mr. Charles, who came to me at Kirkaldie and is very well. Our meeting toghether was Melancholy enough. He convoyed me to the boat. The lairds and Gentlemen throng'd about us at Kinghorn and treated us handsomely.

About 3 o'clock we landed at Leith, amidst a vast concourse of people, and were forced up on foot to travel up from Leith to Edr., driven on

like so many Sacrifices, allowing us no time to halt for breath, I must say with my crippled Leg, I thought never to have got it done, but to have sunk under it, but God supported and strengthened me. We were brought through Leith Wind and up the High Street to the Mainguard, the whole town viewing us, a glorious parade and triumphle band, while a great (many?) more could hardly be kept from rabbling our guard, at the uncouth and Lamentable sight. From the mainguard we were ordered to march back down the Canongate where a deal of the gentlemen came with us were put into that prison—others and among them wee of the Clergie were with the gentlemen who voluntarily surrendered, put into Winton House in the Canongate, where we of the Clergy had a room by ourselves, 5 of us toghether, high and well aird, with a window to the Fore Street.

Since our arrival here, we have been (incessantly) thronged with visits of the high quality, and all expressed a very wonder of our sufferings and offer us all sort of kindnesse.

Wee have got in very good bedding and our accommodation here is Gentle.

Thus, my dear, I have given you a short account of our progresse how long we may stay here God knows, for reports about us are very various, but it appears we are not like to get out in hast. However I hope all shall be well. Our friends expect ane indemnity very shortly, and all here, even the very presbyterians themselves that are any ways Moderate and conscientious, condemn the present severities, especially the indignities put upon the Clergie. I cant expresse the kindness I have met with here from strangers I never saw before, whose hearts God has moved to do me favour its not proper at present to mention, but I shall ever have a grateful resentment of. All I have more to add is that at present I am in good health and in good company, and our Guard being now English are very civil and courteous. God be thanked we are once got out of the hands of Swiss and Dutch, Deliver me and all good men from such harassment as we have suffered from their boisterous officers.

There will be nothing more acceptable to me than to hear that you take the present dispensation Christianly, and that you tender your health and look well to your affairs, till it shall please the Lord to send me Delivrance—that what is designed for my ruine, it please my Heavenly Father to turn to my good and temporal advantage, I am hopeful by His grace, it shall be to my Spiritual and eternal—and I must say it, to the

praise of His Name, I have had more inward Comfort and satisfaction during all my imprisonment and seemingly saddest hours than ever before I felt in the greatest abundance of outward enjoyment—and were it not upon your account and my dear children, I am very indifferent as to anything they can do unto me.

God give you and me both more patience and resignation to God's will! I sent discharges to George Patrie, Anent my @nt owing me by Factor of Lismore, but I got not a farthing of it. I yr forward for your present necessities, till God provide further. My blessing to you and all my children and loved Parishioners.

Let me hear from you.

I am, to death, yours

JOHN ALEXANDER.

XIV.

INSTRUCTIONS TO LORD ROTHES.

INSTRUCTIONS to our ryt trustie and ryt weell beloved Cousen Jo.
earl of Rothess whom Wee have apointed Lord Livtenant of
the Shyre of Abd.

Sic subscribitur G. R.

Given at our Court at St. James the 6th of
Julie 1716 and 2d yeir of our reign.

You are furthwith to name and constitut propper persons to be yo^r
deput livtenents taking cair that the number of the sd. deput livtenents
be from 6 to 12 (and no mor) in proportiōe to extent of the shyre groff
you are livtenant.

2^o. You are not to apoint anie officier to be a deput livtenant who is
under degrie of a major or captain of a troupe.

3^o. You are lykways furthwith to name and constitut such a number
of officers in ther respective ranks, as is proportionable to the sensible
men wⁱn the sd. Shyre, qch cane w^t ease and w^tout great interruption to
ther ordinarie occupations, be assembled, and in order to this, you may
have some regaird to the numbers of the militia of Scotland, bot not
such as to restraine you from making such deviations from it, as from the
circumstances of the Shyre, groff you are livtenant, may appeir to you
to be propper and usefull to the goverment. In regaird y^t all the sensible
men are bound by law to obey you as ther livtenant in defence of the
kingdome.

4^o. You are to observe the outmost precautiōe and impartialitie in
nameing yo^r deputie livtenents and officers, so y^t they may not onlie be
the most capable bot lykeways, those who are and have been of the
greatest and most known zeall, befor our accession to the crowne, for the

protestant succession as established by Law, such onlie being to be trusted w^t defence of our person and government, qho have been allwayes reddie to manteen the protestant religion and ther own liberties.

5th. You are lykways to take caire in naming yo^r deput livtenents and officers so as to avoid and prevent anie differences or competitions betwixt the heritors, qch may not onlie produce manie difficulties in the trust reposed in you, bot may be preiudiciall and disadvantageous to our service.

6th. You are at all tymes to avoid the sumonding, calling out, assembling disciplining or arming anie of the fencible men or heritors concerning whom ther may be anie doubt as to y^r affection to our government.

7th. You are to take caire y^t each battalion consist of a collonell livt. collonell, major qho shall have no companies, ten captains, ten livtenents, ten ensigns, 20 sergeants, 20 corporalls, 10 drumers, one agitant and a quarter master, and 400 privat men.

9th. You are to take cair to form all the fencible men qhom you shall be fullie convinced to be weell affectionat to our government into Battallions and squadrons, according to the methods above mentioned, and in caice of anie rebellion, or forraign invasion you are imeditatly to assemble them, and you are also in this caice to observe such directions as you shall receive from the commander in cheiff for the tyme being in Scotland.

10th. In caice of the Junction of the fencible men of militia of mor Shyrs or Stewarties then one the livtenents shall have the command by the day allternativlie, and the livtenant of the Shyre or Stewartrie qch stood first in the rolls of parliament in Scotland shall have the first dayes comand, and so on in y^t order so long as the livtenents continue in conjunction.

11th. You are on all occasions to execut this trust reposed in you with als litle expenses to our subjects as is possible.

Sic subscribitur G: R:

XV.

REPORT, &c., RELATING TO THE HIGHLANDS, 1724.

May it please Your Majesty.

In Obedience to Your Majesty's Commands and Instructions under your Royal Sign Manual bearing date the 3d Day of July 1724, Commanding me to go into the Highlands of Scotland, and narrowly to inspect the present Situation of the Highlanders, their Customs, Manners and the State of the Country in regard to the Robberies and Depredations said to be Committed in that part of your Majesty's Dominions ; As also to make strict and particular enquiry into the effect of the last Law for Disarming the Highlanders and for securing your Majesty's Loyal and faithful Subjects, represented to be left Naked and Defenceless by paying due obedience thereto ; And to inform Your Majesty of all other particulars contained in the said Instructions, and how far the Memorial delivered to Your Majesty by Simon Lord Lovat and his Remarks thereupon are founded on Facts, and the present Practices of those People ; And whether the Remedies mentioned therein may properly be applied for preventing the Several Grievances, Abuses, and Violences complained of in the said Memorial. Your Majesty has farther been pleased to Command me to make such Enquirys and endeavour to get such Information, relating to the several particulars above mentioned as may enable me to suggest to your Majesty, such other Remedies as may conduce to the Quiet of your Faithful Subjects and the good Settlement of that part of the Kingdom.

The Day after I received your Majesty's Instructions I proceeded on my Journey, and have Travelled through the greatest and most uncivilized Parts of the Highlands of Scotland ; And humbly beg leave to lay before Your Majesty the following Report, which I have collected as well from

my own Observations, with all Faithfulness and Impartiality, as from the best Informations I could procure during my Continuance in that part of the Country.

The Highlands are the Mountainous Parts of Scotland, not defined or described by any precise Limits or Boundaries of Counties or Shires but are Tracts of Mountains in extent of Land, more than one half of the Kingdom of Scotland; and are for the most part on the Western Ocean, extending from Dumbarton to the North End of the Island of Great Britain, near 200 Miles in length, and from about 40 to 80 Miles in breadth. All the Islands on the West and North West Seas are called Highlands as well from their Mountainous Situation, as from the Habits, Customs, Manners and Language of their Inhabitants. The Lowlands are all that part of Scotland on the South of Forth and Clyde, and on the East side of the Kingdom from the Firth of Edinburgh to Caithness near the Orkneys is a Tract of Low Country from 4 to 20 Miles in Breadth.

The Number of Men able to carry Arms in the Highlands (including the Inhabitants of the Isles) is by the nearest Computation about 22,000 Men, of which Number about 10,000 are Vassals to the Superiors well affected to Your Majesty's Government; most of the remaining 12,000 have been engaged in Rebellion against Your Majesty, and are ready, whenever encouraged by their Superiors or Chiefs of Clans, to create new Troubles and rise in Arms in favour of the Pretender.

Their Notions of Virtue and Vice are very different from the more civilized part of Mankind. They think it a most Sublime Virtue to pay a Servile and Abject Obedience to the Commands of their Chieftans, altho' in opposition to their Sovereign and the Laws of the Kingdom, and to encourage this, their Fidelity, they are treated by their Chiefs with great Familiarity, they partake with them in their Diversions, and shake them by the Hand wherever they meet them.

The Virtue next to this, in esteem amongst them, is the Love they bear to that particular Branch of which they are a part, and in a Second Degree to the whole Clan, or Name, by assisting each other (right or wrong) against any other Clan with whom they are at Variance, and great Barbarities are often committed by One, to revenge the Quarrels of Another. They have still a more extensive adherence one to another as Highlanders in opposition to the People who Inhabit the Low Countries,

whom they hold in the utmost Contempt, imagining them inferior to themselves in Courage, Resolution, and the use of Arms, and accuse them of being Proud, Avaricious, and Breakers of their Word. They have also a Tradition amongst them that the Lowlands were in Ancient Times, the Inheritance of their Ancestors, and therefore believe they have a right to commit Depredations, whenever it is in their power to put them in Execution.

The Highlanders are divided into Tribes or Clans, under Lairds, or Chieftans (as they are called in the Laws of Scotland), each Tribe or Clan is subdivided into little Branches sprung from the Main Stock, who have also Chieftans over them, and from these are still smaller Branches of Fifty or Sixty Men, who deduce their Original from them, and on whom they rely as their Protectors and Defenders. The Arms they make use of in War, are, a Musket, a Broad Sword and Target, a Pistol and a Durk or Dagger, hanging by their side, with a Powder Horn and Pouch for their Ammunition. They form themselves into Bodies of unequal Numbers according to the Strength of their Clan or Tribe, which is Commanded by their Respective Superior or Chieftan. When in sight of the Enemy they endeavour to possess themselves of the highest Ground believing they descend on them with greater force.

They generally give their fire at a distance, they lay down their Arms on the Ground and make a Vigorous Attack with their Broad Swords, but if repulsed, seldom or never rally again. They dread engaging with the Cavalry and seldom venture to descend from the Mountains when apprehensive of being charged by them.

On sudden Alarms, or when any Chieftan is in Distress, they give Notice to their Clans or those in Alliance with them, by sending a Man with what they call the Fiery Cross, which is a Stick in the form of a Cross, burnt at the End, who send it forward to the next Tribe or Clan. They carry with it a written Paper directing them where to Assemble; upon sight of which they leave their Habitation and with great Expedition repair to the place of Rendezvous, with Arms, Ammunition and Meal for their Provision.

I Presume also to Represent to Your Majesty, that the Manners and Customs of the Highlanders, their Way of Living, their Strong Friendships, and Adherence to those of their own Name, Tribe and Family, their blind and Servile Submission to the Commands of their Superiors

and Chieftans, and the little Regard they have ever paid to the Laws of the Kingdom, both before and since the Union, are truly set forth in the Lord Lovat's Memorial, and other Matters contained in the said Paper, which Your Majesty was pleased to direct should be put into my Hands to peruse and Examine.

The Imposition mentioned in that Memorial commonly called the Black Meal is levied by the Highlanders on almost all the Low Country bordering thereon. But as it is equally Criminal by the Laws of Scotland to pay this Exaction or to Extort it, the Inhabitants to avoid the Penalty of the Laws, agree with the Robbers, or some of their Correspondents in the Lowlands to protect their Horses and Cattle, who are in effect but their Stewards or Factors, and as long as this payment continues, the Depredations cease upon their Lands, otherwise the Collector of this Illegal Imposition is obliged to make good the loss they have sustained. They give regular Receipts for the same Safe Guard Money, and those who refuse to submit to this Imposition are sure of being Plundered, their being no other way to avoid it but by keeping a constant Guard of Armed Men, which, altho' it is sometimes done, is not only illegal, but a more expensive way of securing their property.

The Clans in the Highlands, the most addicted to Rapine and Plunder, are, the Cameron's on the West of the Shire of Inverness. The Mackenzie's and others in the Shire of Ross who were Vassals to the late Earl of Seaforth, the McDonell's of Keppoch, the Broadalbin Men, and the McGregors on the Borders of Argyleshire. They go out in Parties from Ten to Thirty Men, traverse large Tracts of Mountains till they arrive at the Lowlands where they Design to Commit Depredations, which they chuse to do in places distant from the Clans where they Inhabit; They drive the Stolen Cattle in the Night time, and in the Day remain on the Tops of the Mountains or in the Woods (with which the Highlands abound) and take the first occasion to sell them at the Fairs or Markets that are annually held in many parts of the Country.

Those who are robbed of their Cattle (or Persons employ'd by them) follow them by the Tract and often recover them from the Robbers by Compounding for a certain sum of Money agreed on, but if the Pursuers are Armed and in Numbers Superior to the Thieves and happen to seize any of them, they are seldom or never prosecuted, the poorer sort being unable to support the charge of Prosecution.

They are likewise under the Apprehension of becoming the Object of their Revenge, by having their Houses and Stacks burnt, their Cattle stolen or hockt, and their Lives at the Mercy of the Tribe or Clan to whom the Banditti belong. The Richer sort (to keep, as they call it good Neighbourhood) generally compound with the Chieftan of the Tribe or Clan, for double Restitution, which he willingly pays to save one of his Clan from Prosecution, and this is repaid him by a Contribution from the Thieves of his Clan, who never refuse the payment of their proportion to save one of their own fraternity. This Composition is seldom paid in Money, but in Cattle stolen from the opposite side of the Country to make reparation to the Person injured.

The Chiefs of some of these Tribes never fail to give Countenance and Protection to those of their own Clan; and tho' they are taken and committed to Prison, by the Plaintiff (who is) better satisfied than if the Criminal was Executed, since he must (be) at the Charge and Trouble of a tedious dilatory and expensive Prosecution; and I was assured by one who annually attended the Assizes at Inverness for four Years past, that there had been but one Person Executed there by the Lords of Justiciary and that (as I remember) for Murder, tho' that Place is the Judicature, in Criminal Cases, for the greatest part of the Highlands of Scotland.

There is another Practise used in the Highlands, by which the Cattle stolen are often recovered, which is, by sending Persons to that part of the Country most suspected and making an offer of a Reward (which the Highlanders call Tascal-Money) to any who will discover the Cattle and the Persons who stole them by the temptation of the Reward and promise of Secrecy, discoveries were often made and Restitution obtained. But to put a Stop to a practice they thought an injury to the Tribe, the whole Clan of the Camerons (and others since by their Example) bound themselves by Oath never to take Tascal-Money, nor to inform one against the other. This they take upon a Drawn Durck or Dagger, which they kiss in a Solemn manner and the Penalty declared to be due to the said Oath, is, to be stabbed with the same Dagger. This manner of Swearing is much in practice on all other occasions, to bind themselves one to another that they may with more security exercise their Villany, which they imagine less Sinful than the Breach of that Oath, since they commit all sorts of Crimes with impunity, and are so severely punished if forsworn. An instance of this happened in Decem^r. 1723, when one

of the Clan of the Camerons suspected to have taken Tascal-Money, was in the Night time called out of his Hut from his Wife and Children and hanged up near his own Door. Another of that Tribe, was, for the same Crime (as they call it) kept a Month in the Stocks and afterwards privately made away with.

The Encouragement and Protection given by some of the Chiefs of Clans is reciprocally rewarded by giving them a share of the Plunder, which is sometimes one half or two thirds of what is stolen. They exercise an Arbitrary and Tyrannical power over them ; They determine all disputes and differences that happen among their Vassals, and on extraordinary occasions such as the Marriage of a Daughter, the building of a House, or any other pretence for the support of their Chief, or honour of the Name, he Levies a Tax on the Tribe ; to which Imposition, if any one refuse to contribute, he is sure of the severest Treatment or at best to be cast out of the Tribe. And it is not to be wonder'd that those who submit to this Servile Slavery, will, when Summoned by their Superiors, follow them into Rebellion.

To remedy these Inconveniences there was an Act of Parliament, passed in the Year 1716 for the more effectual securing the Peace of the Highlands in Scotland, by Disarming the Highlanders, which has been so ill executed, that the Clans the most disaffected to Your Majesty's Government remain better Armed than ever, and consequently more in a Capacity not only of committing Robberies and Depredations, but to be used as Tools or Instruments to any Foreign Power or Domestic Incendiaries who may attempt to disturb the Peace of your Majesty's Reign. By this Act the Collectors for Taxes were impowered to pay for the Arms delivered in, as they were Valued by Persons appointed for that Service in the respective Countries, but as the Government was to support the Charge, they did scruple to Appraise them at a much higher rate than their real worth, few or none being delivered up except such as were broken and unfit for Service ; And I have been informed that from the time of passing that Act, to the time it was put in execution, great Quantities of broken and useless Arms were brought from Holland and delivered up to the Persons appointed to receive the same at exorbitant prices.

The Spaniards who landed at Castle Donnan in the Year 1719 brought with them a great Number of Arms: They were delivered to the Rebellious

Highlanders who are still possessed of them, many of which I have seen in my passage through that Country, and I judge them to be the same from their peculiar make, and the fashion of their Locks. These and others now in their Possession by a Moderate Computation are supposed to amount to 5 or 6,000, besides those in the Possession of the Clans who are in Your Majesty's Interest, provided as they alledge, for their own defence.

The Legislature in Scotland before the Union of the Kingdoms have ever considered the Highlands in a different State from the rest of the Nation, and made peculiar Laws for their Government under the severest Penalties. The Chieftans of Clans were obliged to send their Children or nearest Relations to Edinburgh as Hostages for the good behaviour of their respective Clans, and in default they might by the Law be put to death.

The Clans and Tribes who lived in a State of Anarchy and Confusion (as they seem to be in at this present time) were, by the very Words of the Act of Parliament to be pursued with Fire and Sword, but as the Execution of the Laws relating to the Highlands was under the care of the Privy Council of Scotland (now no longer Subsisting, who by Act of Parliam^t. were obliged to sit the first Day in every Month for that purpose) it often happen'd that Men of great Power in the Highlands were of the said Council, who had no other way of rendering themselves considerable than from their Numbers of Armed Men, and consequently the less Zealous in putting the Laws in Execution against them. The Independent Companies raised by King William not long after the Revolution reduced the Highlanders into better order than at any time they had been in since the Restauration. They were composed of the Natives of the Country, inured to the fatigue of Travelling the Mountains, lying on the Hills, wore the same Habit and spoke the same Language; but for want of being put under proper Regulations, Corruptions were introduced, and some who Commanded them, instead of bringing Criminals to Justice (as I am informed) often compounded for the Theft and for a Sum of Money set them at Liberty. They are said also to have defrauded the Government by keeping not above half their Numbers in constant Pay; which, as I humbly conceive, might be the reason Your Majesty caused them to be disbanded.

Your Barracks were afterwards built in different parts of the Highlands, and Parties of the Regular Troops under the Command of Highland

Officers, with a Company of 30 Guides (Established to conduct them through the Mountains) was thought an effectual Scheme, as well to prevent the rising of the Highlanders disaffected to Your Majesty's Government, as to hinder the Depredations on your faithful Subjects. It is to be wished that during the Reign of Your Majesty and your Successors, no Insurrections may ever happen to experience whether the Barracks will effectually answer the end proposed ; yet I am humbly of opinion ; That if the number of Troops they are built to contain, was constantly Quartered in them (whereas there is now in some but 30 Men) and proper Provisions laid in for their support during the Winter Season, they might be of some use to prevent the Insurrections of the Highlanders ; Though as I humbly conceive, (having seen them all) that two of the four are not built in as proper Situations as they might have been.

As to the Highland Parties, I have already presumed to represent to Your Majesty the little use they were of in hindering Depredations, and the great sufferings of the Soldiers employed in that Service, upon which your Maty was Graciously pleased to Countermand them.

I must further beg leave to Report to your Majesty that another great Cause of Disorders in the Highlands, is the want of proper Persons to execute the several Offices of Civil Magistrates, especially in the Shires of Ross, Inverness and some other parts of the Highlands. The Party Quarrels and violent Animosities amongst the Gentlemen (equally well affected to Your Majesty's Government) I humbly conceive to be one great Cause of this Defect. Those who were in Arms for your Majesty, who raised a Spirit in the Shire of Inverness and recovered the Town of that Name from the Rebels (their Main Body being then at Perth) Complain, that the Persons employed as Magistrates over them have little Credit or Interest in that Country, and that three of Deputy Sheriffs in those parts were Persons actually in Arms against your Majesty at the time of the late Rebellion which (as I am credibly informed) is true. They likewise complain, that many of the most considerable Gentlemen are left out in the Commissions of Lord Lieutenants, Deputy Lieutenants, Sheriffs, &c. And I take the liberty to observe that the want of acting Justices of the Peace is a great encouragement to the Disorders so frequently committed in that part of the Country, there being but one, residing as an acting Justice for the Space of above a hundred Miles in Compass.

Your Majesty's Commands requiring me to examine into the State and Condition of the late Earl of Seaforth's Estate, engaged me to go to the Castle of Brahan his principal Seat, and other parts of the said Estate, which for the most part is Highland Country, and extends from Brahan to Kintail on the Western Coast, being 36 Miles in length and the most Mountainous part of the Highlands ; The whole Isle of Lewis was also a part of the said Earl's Estate. The Tennants before the late Rebellion were reputed the richest of any in the Highlands, but now are become poor by neglecting their business and applying themselves wholly to the use of Arms. The Rents continue to be levied by one Donald Murchieson a Servant of the late Earl's who annually remits (or carries) the same to his Master into France.

The Tennants when in a Condition are also said to have sent him free Gifts in proportion to their several Circumstances but are now a year and a half in Arrear of Rent. The Receipts he gives to the Tenants are, as Deputy Factor to the Commissioners of Forfeited Estates, which pretended Power in the year 1721 he extorted from the Factor appointed by the said Commissioners to Collect those Rents for the use of the Publick, whom he attacked with above 400 Arm'd Men as he was going to enter upon the said Estate ; having with him a Body of 30 of Your Majesty's Troops. The last year this Murchieson travell'd in a Public manner to Edinburgh to remit £800 to France for his Master's use, and remained there fourteen Days unmolested.

I cannot omit observing to Your Majesty ; this National tenderness your Subjects of North Britain have one for the other, is great encouragement to the Rebels and attainted Persons to return home from their Banishment.

Before I conclude this Report, I presume to observe to your Maty the great Disadvantages Regular Troops are under when they engage with those who Inhabit Mountainous Situations. The Serennes in France, and Catalans in Spain, have in all times been Instances of this Truth. The Highlands of Scotland are still more impracticable, from the want of Roads, Bridges, and from excessive Rains that almost continually fall in those parts, which by Nature and constant use become habitual to the Natives, but very difficultly supported by the Regular Troops. They are unacquainted with the Passages by which the Mountains are traversed, exposed to frequent Ambuscades, and Shots

from the Tops of the Hills which they return without effect, as it happened at the affair of Glenshiels, where the Rebels lost but one Man in the (sic) tho' a Considerable number of Your Majesty's Troops were killed and wounded.

I have endeavoured to Report to your Majesty as true and impartial an Account of the several particulars required by my Instructions, as far as I have been able to Collect them during my short continuance in the Highlands, and, as Your Majesty is pleased to Command me, presume to offer my humble opinion of what I conceive necessary to be done tow^{ds} establishing Order in those Parts, and reducing the Highlands to a more due Submission to Your Maty's Government.

PROPOSAL

I.

That Companies of such Highlanders as are well affected to his Majesty's Government be Established, under proper Regulations and Commanded by Officers speaking the Language of the Country, subject to Martial Law and under the Inspection and Orders of the Governors of Fort-William and Inverness, and the Officer Commanding his Maty's Forces in those Parts.

The Expende of these Companies which may in the whole consist of 250 or at most 300 Men, may be answered by reducing one Man p Troop and Company of the Regular Forces.

2.

That the said Companies be employed in Disarming the Highlanders, preventing Depredations, bringing Criminals to Justice, and hinder Rebels and Attainted Persons from inhabiting that part of the Kingdom.

3.

That a Redoubte or Barrack be erected at Inverness, as well for preventing the Highlanders descending in the Low Country in time of Rebellion, as for the better Quartering his Maty's Troops, and keeping them in a Body sufficient to prevent or Subdue Insurrections.

4.

That in order to render the Barrack at Killihnniman of more use than I conceive it to be of at present (from its being situate at too great a distance from Lake Ness) a Redoubt be built at the West End adjoining to it, which with the said Barrack may be able to contain a Battallion of Foot, and a Communication made for their mutual support, the space of Ground between one and the other being less than 500 Yards. This appears to be more necessary from the Situation of the Place, which is the most Central part of the Highlands, a considerable Pass, equally distant from Fort-William and Inverness, and where a Body of 1000 Men may be drawn together from these Garrisons in twenty-four hours, to suppress any Insurrections of the Highlanders.

5.

That a small Vessel with Oars and Sails be built on the Lake Ness, sufficient to carry a Party of 60 or 80 Soldiers and Provisions for the Garrison, which will be a Means to keep the Communication open between that place and Inverness and be a safe and ready way of sending Parties to the Country bordering on the said Lake, which is Navigable for the largest Vessels. It is 24 Miles or more in length, and a Mile or more in breadth, the Country being Mountainous on both sides.

6.

That the Governors, or such as his Majesty is pleased to appoint to Command at Fort-William, Inverness, or Killihnnimen, till the Peace of the Highlands is better Established, be required to reside at their respective Stations, and to give an Account of what passes in that Country to the Commander in Chief of the Forces in Scotland, and to such other whom his Majesty is pleased to appoint.

7.

That Inspection be made into the present Condition of the Garrisons and Castles in North Britain, and necessary Repairs made, to secure them from the danger of a Sudden Surprize, and more especially the Castle of Edinburgh, which remains exposed to the same attempt as was made on it in the Year 1715, their being nothing effectually done to it since that

time, for the Security of that important place, on which depends not only the Safety of the City, but of all that part of the Kingdom.

8.

That a Regiment of Dragoons be ordered to Quarter in the Low Country between Perth and Inverness (when Forrage can be provided for their Support) which will not only hinder the Highlanders descending into that Country from the apprehensions they are under of engaging with Horse, but may be a means to prevent the Landing of small Bodies of Troops that may be sent from Foreign parts to invade that part of the Kingdom, or encourage the Highlanders to Rebellion.

9.

That for the support of the Civil Government proper Persons be nominated for Sheriffs and Deputy Sheriffs in the Highland Counties, and that Justices of the Peace and Constables be Established in proper Places with small Salaries allowed them for the Charge they say they are (of necessity at) in seizing and sending Criminals to distant Prisons; and that Quarter Sessions be punctually kept at Killihnimen, Ruthven in Badenoch and Fort-William, and if occasion should require at Bernera near the Coast of the Isle of Skye.

10.

That an Act of Parliam^t be procured effectually to punish the Highlanders inhabiting the most uncivilized parts of the Country, who carry or conceal in their Dwellings, or other Places, Arms contrary to Law; and as the Penalty of a Fine in the former Act has never been (or from their Poverty can never be) levied, it is hoped the Parliam^t will not Scruple to make it Felony or Transportation for the first Offence.

11.

That an Act of Parliam^t be procured empowering the Heretors and Fresholders in every County to assess themselves Yearly, not exceeding a definite Sum, to be applied by the Commissioners of the Land Tax and Justices of the Peace for defraying the Charges of apprehending prosecuting and Maintaining of Criminals while in Goal; For, as the Prosecutor is now to defray the Charges it is not to be wondered at that

so few of them have been brought to Justice, and so many Malefactors escaped with Impunity.

All which is most humbly Represented and Submitted to Your Majesty's Royal Consideration.

(signed) GEORGE WADE.

London, 10th Decem^r 1724.

THE UNDERWRITTEN CLANS OR TRIBES were engaged in the late Rebellion, most of them are Armed and commit Depredations.

The Mackenzies and the small Clans viz^t. the Mcras, McLennans, Murchiesons and the McLeods of North Assynt, the Mclays inhabiting the Countries belonging to the late Lord Seaforth, and all the Gentlemen and others of the Name of Mackenzie in the Main Land and Isle of Lewis in Ross and Sutherland Shires.

The McLeods and others of Glenelg in the Isle of Skye, and the Harris in the Shire of Inverness.

The McDonels and others of Slate or Skye and North Uist in the Shire of Inverness.

The McDonels and others of Glengary, Abertarff, and Knoidart in Inverness-shire

The McDonels and others of Moldart, Arisaig, Muick, Canna, South Uist in Inverness and Argyleshires.

The Camerons of Lochiel in Inverness-shire.

The Camerons of Ardnamurchan, Swin and Morvine in Argyleshire, and the other small Tribes in those Countries.

The McDonels of Keppoch and others in that part of Lochaber belonging to McIntosh of Borlum in Inverness-shire.

The Stewarts of Appine and others in that Country in Argyleshire.

The McLeans in Mull, Rhume, Coll, Morvine, Ardnamurch and Swinard in Argyleshire.

The several Clans in that part of Lochaber belonging to the Duke of Gordon, in Inverness-shire, and those in Murray and Banffshires.

The McPhersons in Badenoch in the Shire of Inverness.

The McNeils of Barra in Argyleshire.

The McIntoshes and other Tribes of that Name in Inverness-shire.

The Robertsons belonging to Strowan in Perthshire.

THE UNDERWRITTEN CLANS belong to Superiors well affected to His Majesty.

	Men able to bear Arms.
The Duke of Argyle	4000
Lord Sutherland and Strathnaver	1000
Lord Lovat . . . Frazers	800
The Grants	800
The Ross's and Monro's	700
Forbes of Culloden	200
Ross of Kilravock	300
Sir Arch ^d . Campbell of Clunis	200
	<hr/> 8000

THE TWO CLANS UNDERWRITTEN, for the most part went into the Rebellion in 1715 without their Superiors.

The Athol Men	2000
The Broadalbin Men	1000
	<hr/> 3000

THE CLANS UNDERWRITTEN were in the late Rebellion, and are still supposed to be disaffected to his Majesty's Government.

	Men able to bear Arms.
The Tribes and Clans of the late L ^d . Seaforth	3000
Macdonel's of Slate	1000
Macdonel's of Glengary	800
Macdonel's of Moidart	800
Macdonel's of Keppoch	220
Lochiel . . . Camerons	800
The McLeod's in all	1000
Duke of Gordon's followers	1000
Stewart's of Appine	400
Robertson's of Strowan	800
Mcintoshes and Farquharsons	800
McLeans in the Isle of Skye	150
Chisholms of Strathglass	150
McPhersons	220
	<hr/> 11,140

ROMAN CATHOLICKS in the Highlands.

The late Earl of Seaforth but none of his followers except the Lairds Mackenzie of Kilewn, and Mackenzie of Ardloch; the first has power over the Inhabitants of the Isle of Lewis and the latter over those who inhabit near Coigach and Loch Broom, which is in the North part of Seaforth's Country.

Chisholm of Strathglass and his Clan are Roman Catholicks.

Most of Glengary's Tribe are Roman Catholicks but he himself is not.

McDonald of Moidart and many of his Clan are Roman Catholicks.

McLeod of Barra and his Tribe are Roman Catholicks.

The Duke of Gordon and the most considerable of his followers are Roman Catholicks.

LIST of the most Considerable Gentlemen who are well affected to his Majesty's Government who inhabit and have Estates in the Counties under mentioned.

MURRAY . . .	{	Mr. Brodie, Member of Parliament. Mr. Ross of Kilravock. Laird of Grant, Member of Parliamt. Sir Harry Innes. Mr. Duff of Brachan.
NAIRN . . .	{	Mr. Ross, Junior. Mr. Brodie of Brodie. Mr. Forbes of Culloden, Memr. of Parliamt.
INVERNESS . . .	{	The Laird of Grant. The Lord Lovat. Mr. Forbes of Culloden.
ROSS . . .	{	Mr. Ross of Kilravock. Colo. Munro, Member Parliamt. General Ross. Mr. Munro of Culcairn.
CROMARTY . . .	{	Mr. Ross of Kilravock. Sir Wm. Gordon, Member of Parliamt.
SUTHERLAND . . .	-	The Earl of Sutherland.

CAITHNESS	.	.	.	{	The Earl of Caithness.
				{	Mr. Sinclair of Ulbster.
ORKNEY	.	.	.	-	The Earl of Morton.

SCHEME deliver'd to the King in April, 1725.

In the Report I had the Honour to lay before his Majesty at my return from the Highlands of Scotland, I took the liberty to represent the present State of that part of his Majesty's Dominions. The Proposals contained in the said Report and those I shall now take the Liberty to mention are, in my humble Opinion, the effectual and practicable Means of reducing the Highlanders to a due obedience to his Majesty's Government.

Experience has shewn that the Measures hitherto taken have proved insufficient to reduce the Highlanders to due obedience to the Laws, and to prevent the Depredations so frequently committed on the Inhabitants of the low Country, which is a great oppression to the well affected (who are entitled to the protection of the Governmt.) but it is of so much more importance to the State itself that the Highlanders should be disarmed, who may (if not timely prevented) prove of dangerous consequence to the Peace of the Kingdom. For, while such a number of Men who are bold resolute and disaffected, remain in a Capacity of doing Meschief, they are ready Instrumentſ to be employed by any foreign Power, who may attempt to Invade his Majesty's Dominions or excite his Subjects to Rebellion.

The Peace and Tranquility we at present Enjoy under his Majesty's auspicious Reign, is the proper time to apply a remedy to this growing Evil.

If the Highlanders can be dispossessed of their Arms (or reduced to the Necessity of hiding them under ground where they will rust and spoil) it will at the same time prevent the Depredations, and render it very difficult for them to rise in Arms against the Government. For, if Arms should hereafter be brought from Foreign Parts when Designs are carrying on to create new Troubles, it will be hardly possible to disperse them to the Highlanders who are scattered in so large an extent of Country, when the Forts and Barracks are garrisoned with Soldiers in the very Center of the Highlands.

Several Laws have been made to restrain these People, but they have generally failed of Success, as I humbly conceive, either from partiality, negligence or from the private Views of those who were Employed in putting them in Execution ; And the Disarming Act of the first Year of his Majesty's Reign had no other effect than to defraud the Publick of a Considerable Sum of Money and to render the Enemies of the Government more formidable.

It is therefore necessary that an Act of Parliamt. be procured, Empowering his Maty (or those he is pleased to appoint) to cause the several Clans to be summoned (one after another) to bring in their Arms by certain Days specified in the said Summons, after which, whoever is found in Arms (except such as are qualified by Law) should be transported to serve as Soldiers in any of His Majesty's Plantations in America, or Garrisons beyond the Seas, with a Clause making it lawful for his Majesty's Forces to assist the Civil Magistrate, and to reduce them by force of Arms in Case they assemble in Numbers to oppose the Execution of the Act, and also a Clause of Indemnity for the Soldiers who shall happen to kill or wound any of them, as in the Law against Riots and Tumults.

It is absolutely necessary that his Maty have a power by the said Act to appoint such Persons as he shall think fit (altho' they were not Natives of that part of the Kingdom) to put the Penalties of this Law in Execution, otherwise it will render this Act of Parliamt. as useless as the former.

I shall now presume to give my humble opinion how the Scheme for Disarming the Highlands may be put in Execution.

That three Companies of Highlanders be raised consisting of 60 or 70 Men each, Commanded by Captains.

That three Companies of Highlanders consisting of half that Number be commanded by Lieutenants.

That the Six Companies consisting of about 300 Men be compleated and Armed by the first of June in order to join the Regular Troops at Inverness, when they March to their first Encampment.

That four Battalions of the Forces now in Scotland be in readiness to form a Camp in the Highlands.

That the Regiment Quartered at Fort-William remain there during the Summer, and supply the Barracks of Ruthven and Bernara with Garrisons.

That the Regt. of Foot now ordered to Scotland be Quartered at Innersnait, Stirling, Perth, and the Sea Port Towns on the Eastern Coast.

That the Regiment now Quartered at Berwick be ordered to send five Companies to Edinburgh, and Leith to Quarter there during the Summer.

A Detachment of fifty Dragoons may be ordered to attend the Camp, a greater Number not being able to Subsist in the Highlands for want of Forage.

By this Disposition the several Garrisons and Barracks will be supplied with Men, and the Sea Port Towns provided with Soldiers sufficient to Assist the Officers of his Majesty's Customs, so that of the Six Regts. of Foot in Scotland there will remain for the Encampment four Battalions, the Highland Companies, and Fifty Dragoons.

The first Camp is proposed to be formed at or near Castle Brahan, the principal Seat of the late Earl of Seaforth, and the Vassals and Tennants of the said Earl (who even at this time continue in a state of Rebellion) may be first summon'd to deliver up their Arms. And if a promise of an Indemnity was made them for the Rents they have paid to Murchieson for the use of the said Earl, it might probably induce them to submit for the future to become Tennants to his Maty and pay in their Rents for the use of the Publick. But if they refuse to submit to the delivery of their Arms, they may be made Examples to others, by being treated with as much vigour as can be justified by Law, and the Act of Parliam^t. put in Execution against them in its utmost Extent.

When this is effected the Forces may move to the next Clans who are Armed, and so proceed from one to another as long as the Season of the Year will admit the Troops to continue Encamped in the Mountains, and if no unforeseen difficulties happen, it is humbly hoped that all the disaffected Clans to the North of Fort-William and the Lake Ness, may be subdued before the end of the Campaign.

That a Sixth Rate Man of War be appointed to attend the Service on the Eastern Coast, to receive on board and carry to Berwick, such of the Highlanders who shall be condemned to Transportation.

That a Quantity of Bisquit be put on board the said Ship and landed at Inverness for the use of the Parties that may be sent into the Mountains.

That Officers and Serjeants of the Regiments in the West Indies be appointed at Inverness or Berwick, to receive such Highlanders as may be sent away for Soldiers.

PROVISION of Money will be wanting for the purposes following.

- For building a Vessel on the Lake Ness.
- For repairing the Fortifications of Edinburgh Castle and Fort-William.
- For building two New Forts and Barracks at Inverness and Killihinmen, each sufficient to contain a Batallion of Foot.
- For Gratuitys to such Highlanders as shall contribute to facilitate the Execution of the Disarming Scheme, Discover Arms conceal'd or Persons Outlawed or Attainted of High Treason.
- For the Maintenance of Prisoners till their Tryal or Transportation.
- For the Extraordinary Charge of Encampments, the Carriage of Provisions and Ammunition, for the use of the Forces, and other Contingent Charges.
- For the Support of the General and Staff Officers to be employed in this Service.
- For mending the Roads between the Garrisons and Barracks, for the better Communication of his Majesty's Troops.

It is to be hoped that two Years will be sufficient to put in Execution the several Services abovenamed, and that the Extraordinary Expence to the Government will not exceed Ten thousand pounds for each Year.

XVI.

REPORT, &c., RELATING TO THE HIGHLANDS, 1727.

May it please Your Majesty.

Your Majesty having been pleas'd to Command me to repair to the Highlands of Scotland and to proceed in the Execution of the several Orders and Instructions I had before rec^d. from his late Maty of blessed Memory ; Empowering me to put in Execution the Act of Parliam^t. of the Eleventh Year of his said late Maty's Reign for disarming the Highlands, and to grant Licences to Merch^{ts}., Drovers and others to carry Arms for their Security and Defence ; To forward the new Barracks and Fortifications intended to be erected at Killihinmen and Inverness and to Cause the necessary Repairs to be made for the Security of the Castles and other Fortresses in North Britain ; to carry on the Roads of Communication between the Garrisons and Barracks in the Highlands ; To protect and Secure Your Majesty's Subjects in the low Country from the Robberies, Depredations and illegal Exactions of the Highlanders, To pursue seize and secure such Rebels and attainted Persons as should refuse to Submit to the Laws and pay due Obedience to your Maty's Government, And to perform all other Services which might contribute to civilize the Highlanders, preserve the Peace and Quiet of the Country and render the disaffected incapable of disturbing the Tranquility of your Maty's happy and Auspicious Reign.

In Obedience to these Your Maty's Commands ; I have endeavour'd to perform the several Services above mention'd, in a manner which I humbly hope will meet with Your Maty's Approbation.

But before I proceed to the Particulars, I humbly beg leave to lay before Your Maty the Intelligence I received the beginning of this present year, of some Transactions that were carrying on in the Highlands in favour of the Pretender.

Soon after the new Alliance was made between the Emperor and King of Spain, some Persons were sent into Scotland to animate the disaffected Clans and prepare them to join a Body of foreign Forces, which they assur'd them should be landed from Spain on the West Coast of Scotland before Midsummer.

The Principal Persons employ'd in this Service were, one Sinclair a native of Scotland (who for some time past has been a Sea Officer in the service of Spain, and was employ'd to take a Survey of the Sea Coast and to find out a proper place for disembarking the said Troops, that were to land in the Western Highlands. Besides this Sinclair, there was another that went by the name of Brown, who has been sent into Scotland before on the like Occasions.

This Brown came to London in February last to concert measures with the Jacobites, and after continuing here some Weeks he proceeded to the Highlands where he sent Circular Letters to the Chiefs of several Clans reputed to be disaffected to Your Maty's Government, in order to prepare them for the Intended Invasion. But as Your Maty will be best able to judge of their proceedings by the following Letters, I humbly beg leave to insert the Copies of them in the same Order as they came to my Hands.

Copy of a Letter from a Roman Catholick employed to procure Intelligence; directed to Sir Duncan Campbell, Capt. of one of the Highland Companys.

14 Feby. 1727.

Sir,

After parting with you I was informed by a very sure hand of the following Particulars Viz^t.

The Sea Cap^t. that went lately to take a View of proper Harbours for landing Men is call'd Cap^t. Sinclair. He landed first at Leith, from thence he came to Glasgow—and is now making his Way about the West and North Coasts, and will I suppose return by the East Coast. He told my Informer, that he reckons Clyde above Dumbarton a fit place of Landing, but he is to take a view of all the good Harbours of Scotland, not knowing where Wind or Weather may carry the Ships they design for an Invasion. He said that he expected another Ship with further Instructions, would land at Leith about the time that he arrived there

first himself, which makes my Informer suspect, That is the Ship, lately seiz'd there with Letters, by the Governments Orders. The said Cap^t. Sinclair says that they design to land 4000 Men in Scotland, and 8000 Men in England, and that they doubt not but they shall get them Landed. But that there greatest difficulty is, to carry off their Ships safely again after landing their Men. He says further, That they had 46 good Transport Ships of considerable Burthen. The best Sailors in Europe ready for this Design before he came off from Spain. Moreover, he says, that one Cap^t. Brown came to London and that he is to come down by Land and to be in the Highlands about the end of this Month with Instructions and Encouragements to such as they reckon their Friends in the Highlands. And for that End that he is to make a Tour among them. He says further, That there is already £20,000 remitted to Edinburgh p. Bill.

My Informer assures me, That before the said Captain Sinclair arrived at Leith, there were 400 Broad Swords landed at Leith, all designed for Gentlemen ; And that these Swords do actually lye privately in some place or places within Edinburgh but in what Precise Place there he knows not.

Not only the people of Broadalbin but a considerable Body of the Graham's are resolved to secure you and your Company as soon as they hear there are men Ship'd in Spain, without waiting longer for the Event of such an Invasion, and doubtless the like Attempt will be made upon the other Companys.

This Letter which I had the Honour to lay before his Maty's Ministers, agreeing with other Intelligence rec^d. from abroad relating to an Intended Invasion in the West of England, as well as in Scotland, I humbly presume induced his Maty to order Col^o. Campbell's Regim^t. of Dragoons, with Kirk's, Delorains, and Macartney's Regim^{ts}. of Foot, to March into England in order to form a Camp in the West, if it should be found necessary. And for the security of the Castles in Scotland, the Garrison Companys of Edinburgh and Sterling were (raised) from 60 to 100 Men each, and that of Dumbarton to 50, which before consisted of but 15 private Men.

The Highland Companys Commanded by Captains, were made up from 60 to 100 private Men, and those under the Command of Lieutenants were augmented from 30 to 60. These including Officers might on

Occasion be formed into a Battallion of 525 Men ; and both the Garrison and Highland Companys were compleat before the 25th of March.

There then remain'd in Scotland two Regiments of Dragoons and four Battallions of Foot who by the Additional Troops and Companys, that were soon after Order'd to be rais'd, made up about the same Number of Men for the Service of Scotland, as they consisted of before the March of the Regim^{ts}. above mention'd.

I presume further to represent to Your Maty, That at this Juncture I thought it necessary to employ some proper person to observe the Motions of Brown and Sinclair and to give an Acc^t. of their proceedings.

The Person who seem'd to me the fittest for this purpose was R : R : who had then but very lately received his Maty's Pardon. He was an Old Acquaintance of Brown's, and believ'd by him to continue firm in the Interest of the Pretender. He had his Maty's leave to join with Brown and other Jacobites and agreed for a Reward of £100 to discover their Secrets. Accordingly he gain'd such Confidence with Brown as to be employ'd as his Messenger with Letters from him to some of the heads of Clans ; As will more fully appear to Your Maty by the following Letters.

*Letter to me from Sir Duncan Campbell, Capt. of one of the
Highland Companys.*

Edinburgh 2^d May 1727.

Sir,

I had the Honour to write to you last on the 15th of March, and then acquainted you with what I had learn'd from R : R : , and having made some further progress in that Enquiry, I think it my Duty to acquaint you with the Particulars and upon what Foot I have now left it.

Sinclair told R : at his coming, That Cap^t. Brown stay'd at London to concert Matters with their friends in England, and particularly the remitting a Sum of Money. £20,000 he mention'd to lye ready here for their Service and which he says is now brought here by the Hands of one Cumming a Merchant in the Parliament Closs.

Brown came to this Country in March last, he made some stay here, and from hence he went West. The places he mostly resided at were ;

My Lord Wigtoun's House at Cumberland, and Stirling of Keir's, two Miles West from Stirling. This Gentleman is Attainted and at his own House without leave. He came R's. House (sic) and resided there some Nights, and is now in Galloway.

R. told me that Brown design'd one John Stewart of Ardshiel, should receive of him the £3000 he was to give to the Clans immediately, but by Brown's Letter to R: of the 6th of April, he seems to have Alter'd that Resolution, having probably settled that matter with Lochiel, whom he had an Opportunity of seeing at Drummond of Bahadie's House in Dumblain. This Drummond, Graham of Bran, and Keir being the Pretender's chief Agents, as R: informs me, in that Country.

R: by my Lieutenant sent me the Copy of his Instructions from Brown which I inclose, and compared them with the Original. Brown's Letters to the Clans I myself read under favour of Manufacturing the Covers a little, and I also inclose Copies of them. You'll observe there are no Letters for Lochiel, none of the Gordon's, none of the McDonel's, save Glengary and Keppoch, neither for the McLeods; any of the Duke of Athol's People, nor the Mackenzie's. Besides the Letters which R: shew'd me he delivered a Letter from Brown to Appine.

R: in Obedience to Brown's Letter of the 6th of April (Copy of which I also inclose) is gone to meet with him to receive his second Instructions:—He will undertake to Brown to deliver his Letters, and has engag'd so to contrive it, that I shall have an opportunity of seizing him with the Original Letters, of the Clans to Brown, about him.

Though upon the first Notice I had of this matter from R: I was not without suspicion that he might possibly be imposing upon me in the Information; Yet having now seen the Original Letters (whereof I inclose the Copies) with my own Eyes; Wrote in a hand writing like a Man of business, on gilt paper neatly folded &c. I think his Information genuine, and I think it possible he may give me the opportunity to seize him with the papers as he has promised. I have therefore given him £25 more of the second £50 you allowed me to lay out for this Service, and have renew'd my assurances to him, that he will be put in a Condition to Live, if he goes through with this Service, &c.

DUNCAN CAMPBELL.

Instructions from Brown to R: R:

You are to deliver the Letters given you and likewise to discourse the Persons to whom you'll give them after this Manner.

You are to tell them that both Nobility and Gentry who are for the King's Interest in the West of Scotland are for landing in Clyde, and likewise the Gentleman who was sent from the King of Spain to view the West of Scotland is fully convinced that he may save his Ships after landing.

You are likewise to tell the Clans, That if they please, there shall be 1000 Men landed at Inverlochy for the demolishing of the Garrison.

You are likewise to assure them of £3000 to be given them when required to put themselves in better Order for the King's Service.

You are likewise to advise with them what Hands the Money shall be put into; Those that are to have it are as follows: The McDonald's, McIntoshe's, McPherson's, who are reckon'd but one Clan. Stewart of Appine, McLeans, The Cameron's, MacDougal's, Laird of MacInven, Chisholm of Strathglass, and Glenmoriston.

You are to advise with Glengary, Appine, Keppoch, and McInven, what every Man's share of the Money will come to.

You are to assure them; Altho' the Arms that were sent already be mismanag'd, that there shall be care taken that they shall not want for Arms and Ammunition.

You may tell them there is a Method taken with the rest of the Clans to Satisfaction.

You are to advise what methods are to be taken with the Independant Companys for stopping them from joining to come to a Body. If the landing shall be in Clyde, they will do a Vast deal of harm to the Braes of Perth and Stirlingshire. They will stop them very much from joining. And you are to return your Answer before the 20th of April.

J. BROWN.

Letter to the Laird of Glengary carried by R: R: from Brown.

Sir,

I had the Honour to be sent over to Scotland by the King's Order to advise his Friends that now he is in a Condition to serve himself

and you. He wants not Men, Shipping, or Money, so that I am order'd in my Instructions to send the Bearer hereof R : R : to acquaint you of the same and what method is to be taken in doing it, which I hope you'll give your opinion frankly as to the Place of Landing in Scotland, and likewise what way will be taken with the Money which is to be given you in Order to put you in a Condition to serve your King, for it is ready to be given on Demand.

I am further Order'd by the King in my Instructions, That you should take your own prudent way to get My Lord Lovat managed to come into the King's Service, which if he will do, you may assure him of his Pardon from the King, and likewise his patent of Lord Lovat.

I can further assure you that the King has made his Peace with the Duke of — and altho' he does not join himself; see if you can get him brought so far as to let his Clan Iye still.

Our Committee here has left to your Managment Strathglass, Glenmoriston, and any other you will think proper to speak to.

Being inform'd that Sir Hector McLean is in that Country, you are to deliver his Letter to him and likewise to discourse him as you'll think most proper. This is all to trouble you at present and I am.

Your humble Servant

J. BROWN.

*Letter from Brown to the Laird of Keppoch, and the same to the
Lairds of McIntosh, Glenco, Clunie, McPherson, McDougal and
Sir Hector McLean of Duart.*

Sir,

I had the Honour to be sent over to Scotland by the King's Order to assure his Friends, that now he is in hopes to be in a Condition to serve himself and you. He wants not Men, Shipping, or Money, so that I am order'd in my Instructions to send the Bearer hereof R : R : to acquaint you of the same, and what Method is to be taken in doing of it, which I hope you will give your opinion freely as to the Place of Landing in Scotland, And likewise what Way shall be taken with the Money which is to be given in order to put you in a Condition to serve your King, for it is ready to be given upon Demand. This is all at present and I am &c.

J. BROWN.

Letter from Brown to R: R:

Dear R:

Since parting with you I have got Information that the Governmt. has got some Intelligence of my being in this Country, so that I am advised by the best of the King's Friends in England to keep myself as private as possible and to see nobody. If that other Gentleman you know of is come as far as your House or to the place appointed, let him return as private as possible for fear of Suspicion. As to that Affair I was to employ him in, I have got it done to satisfaction. You may come privately to Mr. Kea's House, where you shall have your Second Orders from me. I beg that you may come that no Mortal may know of it, I am not to be there myself, but I shall leave it in Writing what you are to do.

Send Express to such as you conversed with in the Highlands to keep themselves as private as possible, and to give no reason to the Governmt. whereby they may have any thought that there is anything adoining. This is all to trouble you with at present only you may believe that

I am &c.

J. BROWN.

I am afraid that there May be Orders out against you, and three or four more in your Country; if there should be such, I wish you would take a Trip to Arran to see your Friend Bardowie.

J: B:

I humbly beg leave to assure Your Maty that during these Transactions all proper Means were used to frustrate Designs of the Jacobites. The several Highland Companys were ordered to assemble in such Stations as might best prevent the Junction of the disaffected Highlanders, as well as to secure themselves from the danger of being disarm'd when seperated in small Partys as was said to be intended in one of the foregoing Letters.

The Oaths of Allegiance to his Maty were tender'd anew to every Soldier of those Companys and some of them were discharg'd whose fidelity was suspected.

Partys were sent into the Country Inhabited by the Clans suspected of Disaffection and a Strict Search made after Arms that might have been conceal'd, but none were discover'd except about twenty Muskets that had been hid in a Cave ever since the Highlands were disarm'd in 1725 And those grown so rusty that they were entirely unfit for Service.

About this time several Letters in Cypher were intercepted in Scotland, importing an Intended Invasion; and some Persons seiz'd by Order of his Maty's Principal Secretarys of State, Upon which the above mention'd Brown, Sinclair, and other Emmissaries of the Pretender made their Escape and had quitted the Country before my Arrival in Scotland, nor could I ever learn after the Strictest Enquiry, that Brown before his departure had paid any part of the £3000 to the Clans as he had promised by the preceeding Letters.

After my coming to the Highlands, I examined some of the Chiefs of Clans to whom the abovemention'd Letters to Brown were directed, who did not absolutely deny that application had been made to them from the said Brown to join the Troops that were expected from Spain, but assured me they had never consented to take up Arms or enter into any Measures that might give Disturbance to the Government.

I told them they ought to have acquainted me of these Proceedings, and represented to them the folly and danger of listning to the Ridiculous Proposals of Men whose Fortunes were desperate who had nothing of their own to lose and hoped to be gainers by a Change, tho' at the Expence of involving their Country in Ruin and Bloodshed as they had done in the Year 1715.

That the Obligations they had to Your Maty's Royal Father ought ever to be fresh in their Memorys, whose Mercy and Clemency had been extended toward them, after having forfeited their Lives by engaging in two Rebellions against him.

That your Maty's accession to the Throne was attended with more signal and distinguishing Marks of the Love and Affection of your People than was ever known on the like Occasion.

That altho' Your Maty's Governm^t. was Established on the most Solid Foundation, supported by a considerable Body of Regular Forces, and by such Alliances that must render all Attempts of the Pretender and his Adherents Vain and impracticable, yet that your Maty out of your great goodness and Clemency had Commanded me to do every thing that might Contribute to promote the Advantage of your Subjects inhabiting the Highlands, however undeserving some of them had been of your Royal favour.

That your Maty had ordered me to lay out considerable Sums of Money in making Roads through the Mountains for encouraging their

Trade and Commerce with the Low Country ; And to endeavour by mild and moderate Usage to convince them of the happiness they may enjoy by peaceably Submitting to Your Maty's Governmt. Upon which they Answer'd, That they had suffered sufficiently for their past Folly, but were now determin'd to live peaceably and quietly, and hoped by their future good behaviour to deserve Your Majesty's Favour and Protection.

During my stay at Edinburgh I signed an Order to Sr. Duncan Campbell, Captain of the Independant Company whose Station was the Western Highlands, to seize and secure James Sterling of Keir, one of the Persons named in the aforegoing Letters, who by an Act of Parl. stands attainted of High Treason for the Rebellion in 1715.

He had from that time lived at his house, openly and without disguise, under no Apprehensions of being Molested, by his Country Men who on all Occasions are said to have a tender Regard one for another, however they may disagree in their Opinions or Politicks. He was seized in September last pursuant to the Order and now remains a Prisoner in the Castle of Edinburgh till Your Maty's farther Pleasure be known.

About the same time I gave another Order for Seizing the Person call'd Brigadier Macintosh, who had been very Active in the Rebellion, he returned lately from Abroad and was at that time lurking in the Northern Highlands, but hearing nothing of his being seiz'd, I presume he has quitted the Country.

I think it my Duty also to represent to Your Maty, that there are four other Attainted Persons who lay conceal'd the last Year in Scotland, and I have reason to believe they still continue there Vizt. John Stewart of Innernitty, Alexr. Robertson of Strowan, Sr. David Tripland of Fingask, and John Walkingshaw of Scotstown, whose Friends and Relations have often Solicited me to intercede in their behalf that they might be permitted to make their Submissions to Your Maty, in hopes of obtaining Your Maty's Gracious Pardon, as was granted to sev^l. others in the Same Circumstances by Your Royal Father in the year 1725.

I humbly beg leave farther to Report to Your Maty ; That as the Disarming the Highlands was happily Executed without Resistance or Bloodshed, so the good effects it has produced already appear beyond what could have been expected in so short a time ; for no Arms are now carried in the Highlands but by your Maty's Licence, or by such who

are entitled to that Privilege by a Legal Qualification. It is therefore to be hoped that by Prosecuting the same Measures, which hitherto have proved so successfull, the Highlanders will in a few Years forget the Use of Arms which in all Ages they have esteem'd as their greatest Pride and Glory, insomuch that it was looked on to be a reproach to a Highlander to be seen without his Musket, Broad Sword, Pistol and Durk. These by a long Custom were Esteem'd part of their Dress and at my first coming to the Highlands were Worn by the Meanest of the Inhabitants, even in their Churches, Fairs and Markets, which looked more like places of Parade for Soldiers, than Assemblies for Devotion or other meetings of Civil Societys.

This pernicious Practice of Wearing Arms was attended with many Inconveniences, to themselves, to the Inhabitants of the Neighbouring Country, and even to the State itself. The Highlanders who are naturally addicted to Revenge, committed frequent Murders, which often exasperated the Clans one against another for many Generations. And when any Person was kill'd by one of a different Name, they imagin'd no recompence or Justice was sufficient but by shedding the Blood of one of that Clan who committed the Crime, altho' an Innocent Person who was no way concern'd in the Fact. By this unjust way of proceeding their Animosities were kept up to future times, and whole Clans were often engaged one against Another, in which great Numbers on both sides lost their Lives.

The Countries in the Neighbourhood of the Highlands were frequently harassed by Parties of Armed Men who committed Depredations on their Cattle and Estates, and oblig'd them to pay Contributions which often amounted to more than their proportion of the Land Tax: But since the surrender of their Arms, these Oppressions have ceased; There are no Complaints of Depredations, nor any Contributions paid by the Inhabitants of the Low Country. But in my humble opinion the greatest Inconveniency that attended the frequent use of Arms in the Highlands, was, their being ready and proper Instruments of the Pretender or any foreign Power to give Disturbance to the Government: For the Superiors and Chiefs of Clans have in all Ages assumed an absolute and Despotic Power over their Vassals, who never refuse to follow them, without enquiring into the Justice of their Cause, or against whom they are to Act, By which implicite obedience they have frequently been

engaged in Rebellions against their Sovereigns, both before and since the Union of the Kingdoms ; And I hope Your Maty will pardon my Presumption, if I here Insert a saying of the Jacobites, abroad, as I have been assured from Gentlemen well affected to Your Maty's Government, who in their Travels through France and Italy have happen'd to meet and converse with those People ; They always own'd that their greatest Hopes were from the Highlands of Scotland, and when it was said that those Hopes were vain, since his Maty had an Army of 12,000 Regular Forces at Command (The Establishment at that time for Great Britain) their usual Answer was, We have also a Standing Army of 12,000 Highlanders, as Resolute, as well Armed and as much under Command as the Regular Forces you so much depend on.

The Inconveniencies arising from the practice of carrying Arms in the Highlands have often been under the Consideration of the Privy Council and Parliaments of Scotland before the Union and Several Rigorous Laws were made to disarm and reduce them to Obedience ; Yet they have always fail'd of Success ; As I humbly conceive from their being formed with more Severity than Judgment, but I humbly hope the Measures Your Maty is now taking will prove an effectual Remedy to these Evils and will render the Highlands as Quiet and Peaceable as any other part of Your Maty's Dominions.

I also beg leave to represent to Your Maty : That pursuant to the Instructions I rec^d. from Your Royal Father for granting Licences under my Hand and Seal, to Merchants, Drovers, and others permitting them to carry Arms for the security and defence of their Property ; I gave out in the year 1725, 230 Licences for the whole Highlands which were to remain in force for two years and no longer. These Licences expiring in September last were call'd in and 210 were issued out in Your Maty's Name to continue in force for three years, provided the Person possessing the same, during that time, behaved themselves as faithfull Subjects of Your Maty, and peaceably and quietly towards the People of the Country.

I presume further to Report to Your Maty, That the great Road of Communication extending from the East to the West Sea, through the middle of the Highlands, has been successfully carried on upon the South side of the Lakes from Inverness to Fort William, being near 60 Miles in length, and is made practicable for the March of Artillery or other Wheel Carriage, as may appear by my having travell'd to that

Garrison the last Summer in a Coach and Six Horses to the great Wonder of the Inhabitants, who, before this Road was made, could not pass on Horseback without Danger and Difficulty. This Work was very troublesome from the Interposition of Rocks, Bogs and Mountains; Yet was perform'd by Your Maty's Troops Quarter'd in those parts without any Assistance from the People of the Country. The Non Commission Officers and Soldiers are allow'd double pay during the time they are employ'd in this Service; And if it is Your Maty's pleasure to continue the same allowance out of the Contingencies of the Army as was granted by his late Maty for the two preceeding years, with some Addition for erecting Stone Bridges, where they are wanting, a Military Way may be made through the Mountains from Inverness Southward as far as Perth, which will open a short and speedy Communication with the Troops Quarter'd in the Low Country, Contribute to civilize the Highlanders, and in my humble opinion will prove the most effectual Means to continue them in a due Obedience to Your Maty's Government.

In regard to the Fortifications in Scotland, I humbly presume to Represent to your Maty; That till the last year, nothing had been effectually done to Secure them from the danger of a surprize, to which they have been exposed for many years past; And particularly the Castle of Edinburgh, which, I humbly conceive is a place of the greatest Importance to the Safety of that Part of Your Maty's Dominions.

The Parapet Walls of this Castle were so ruinous that the Soldiers after the shutting the Gates had found a Way to ascend and descend to an from the Town of Edinburgh when ever they thought fit.

Upon viewing this Defect the last Spring, Four Soldiers (some of them with their Arms on their shoulders) were ordered (for the Experiment) to try if they could ascend the Rock and get over the Wall, which they perform'd with such Dexterity; That from the Common Road, they mounted into the Castle in less than five Minutes.

The Castle of Dumbarton had lain exposed in the same manner for sometime passed, by the fall of a Considerable part of the Wall on the North side, but upon the Representation I made of this to the present Mast^r. Gen^l. of your Maty's Ordnance, Orders were immediately given for repairing those Defects, which was accordingly executed before I left Scotland.

The new Fortification erecting at Inverness, call'd after Your Maty's.

Name, Fort George, is situate on a Hill on the South side of the River Ness, near the place where it falls into the East Sea, as Fort William does on the Western Ocean. The Lake Ness, and other Lakes extending almost from one of these Forts, to the other in a Streight line, through the middle of the Highlands. It is built within half Musket Shot of the Bridge of Inverness and Consequently commands that Pass which is the only communication between the North and South Highlands for the Space of near 30 English Miles as far as Killihinmen, and is therefore in my humble opinion a place of Importance for preventing the Northern Highlanders from descending into the Low Country in times of Rebellion. This Fortification is irregular as are all the other Castles and Forts in Scotland, which are generally built upon Eminencies, incapable by their Situation to admit of regular Works. It is large enough to contain a Barrack for 300 Men, that Number being more than Sufficient for the defence of a place which in all probability will never be attack'd by Artillery. The repairs of the Old Castle, designed to serve as Lodgings for the Officers of the Garrison, were compleated in Novem^r. last ; And the New Works were begun the last Summer ; And if continued may be capable of receiving a Garrison in two years.

The Fort and Barrack proposed to be built at Killihinmen near the West End of the Lake Ness is not yet begun, but Materials are providing to go on with the Work, next Spring, as soon as the Season of the Year will admit. This Place being in the Center of the Highlands equally distant from Fort George and Fort William, will, I humbly conceive, be a proper Situation for the Residence of a Governour, who, if it is Your Maty's Pleasure, may have the Chief Command, not only of the two Forts above mention'd, but of all the Barracks and Independant Companys in the Highlands by which he will be enabled speedily to Assemble a Body of 1000 Men, to March to any part of that Country for preventing or suppressing Insurrections ; To inspect into everything that may regard Your Maty's Service in that remote part of Your Maty's Kingdom of Great Britain ; To curb the Insolence of such of the Inhabitants, who, depending on the Strength of their inaccessible Mountains shall presume to Rebell against their Sovereign, or insult Your Maty's Peaceable Subjects in the Low Country, and continue to disregard all Laws both Human and Divine.

I fear I have already presumed to take up too much of Your Maty's

time by the length of this Report, And shall only beg leave humbly to Offer to Your Maty what I conceive is further necessary to be done in the Highlands for bringing to Perfection a Work so essential to the Peace of that part of Your Maty's Dominions.

PROPOSAL.

1st.

That the new Fort and Barrack projected to be built at Killihinmen Adjoining to the West End of the Lake Ness, be carried on the next Spring, as soon as the Season of the Year will permit, and proper Store Rooms built Sufficient to contain Provisions for a Battalion of Foot, with Ovens for baking Ammunition Bread or Biscuit for the use of the Garrison or for Detachments that may be sent into the Mountains. And that all due Encouragement be given for erecting a Market Town on the Ground between the Old Barrack and the End of the Lake (a space of about 500 yards in Length and 400 in breadth) which being situate in the Center of the Highlands will very much contribute to Civilize the Highlanders, who by living separate in the Hills, where there are no Towns, are without Examples to induce them to change their Barbarous Customs.

2d.

That a small Tower of Stone in the form of a Redoute, capable of containing a Guard of an Officer, and Twenty Soldiers, be built at each end of the Lake Lochy, and another at the East end of the Lake Ness, the better to secure the line of Communication between Fort George and Fort William.

3d.

That a small Harbour be made at each [end of] the Lake Ness, for the Security of the Highland galley against Violent Storms which are very frequent [in that] Country.

4th.

That £100 p Annum be allowed on the	ment of the Garrison of Fort George
for the	of a Master and two Sailors,
And for the	Cordage and other
Repairs of the said Vessel.	

5th.

That a Fort Major and two
the Garrison of Fort George there being
except a Lieutenant Governor on the Establ(ishment)
present year.

6th.

That the same Allowance of £100
contingencies of the Army be continued for
year for making a Road or Military way
Ness by Ruthven in Badenoch as far as
March of Troops, wheel carriage or cannon and
other Contingent expenses in North Britain.

7th.

That a Stable for 30 horses be erected at Barrack of Ruthven, which
being near the middle of the Highlands, and on the Road proposed in
the preceeding Article ; I conceive to be a proper Station for a party of
Dragoons to serve as a Convoy for Money or Provisions for the use of
the Forces, as well as to retain that part of the Country in Obedience.

8th.

That in order to make the Roads of Communication more perfect,
an allowance of £600 p Annum

years be made for building Stone Bridges
and other Torrents of Water that fall from
Mountains, by which Passengers frequently
Lives, and the Troops are often interrupted
Marches for several Days successively.

All which is most humbly submitted to Your Majesty's Royal
Consideration.

(signed) GEORGE WADE.

XVII.

MEMORIAL ANENT THE TRUE STATE OF THE HIGHLANDS AS TO THEIR CHIEFTENRIES, FOLLOWINGS AND DEPENDANCES BEFORE THE LATE REBELLION.

Before I begin, with the particular account of the Chieftenries and Dependances in the Highlands of Scotland, it will not be amiss to give Some previous Information (by way of Introduction) of the State of Scotland in Generall, in former times, that the persuers of this Short memoriall, may know the reasons, why and how, the whole warlike Dispositions of the Scots in Generall Should Now terminate in the Highlands, while the whole remaining part of the people, (some as good as themselves) are now Drowned in Luxury and Effeminacy.

It is well known that the Scots Nation in Generall, as well as the Highlands, were still a warlike and brave people for many Ages, which is Verrified first by their Successful wars with the Brittons, then by their Artfull and Vigorous defence against the Romans, who were at last oblinded to withdraw their Legions besouth their Borders and put Under the necessity to wall themselves Up for Safety from the Daily Incursions of so desperate and formidable an Enemy.

The Scots, their further Noble and remarkable Atchievements, in their long and Successfull wars against the Picts (a people near as Numerous and Potent As themselves) whom they Utterly rooted out, as also their Many Victories over, and totall expulshion of the Danes a Nation then so warlike that they Conquered All others they Attacked, I say these many Signall and Glorious performances of the Scots in Generall made them So esteemed, for their Remarkable Valour that they were frequently Sought and Sent for As Assistants, to Severall Nations Abroad, particularly to France and Swedden, where their Notable behaviour noway belied their Justly acquired Character.

Att last the Scots getting no more Disturbance from abroad, were at peace with all Nations except the English, So that in very Short time by the disuse of Arms their whole east Coast and Midland Countrey, betwixt the forth and Inverness turned Intirely Soft and Effeminate, as they are at this day, and their only remaining force was the Borderers, who with their Brave Douglasses, Humes, Kers, Scots, &c., &c., &c. Upon their heads in Conjunction with the Highlanders and Severall times without them, fought the Many Battles with the English with Various Success, but often overpowered by their Numbers.

This Martiall Disposition Still Continued in a very eminent Degree with the Borderers, Untill the Union of the Crowns, but in a very Short time thereafter they turned As Luxurious and effeminate as the fore-mentioned, and Now the only remaining warlike Genious of the Scots is amongst the Highlanders, which was occasioned by their Neighbouring feuds amongst themselves and Sometimes by Insurrections and Rebellions against their Naturall princes, but that now their power is often employed for Bad purposes, and particularly that by their having the Use of Arms, they, are thereby enabled to rob and Depredate Upon their Innocent Neighbours It is high time to Suppress the Same.

I now proceed to Narrate the Highland followings and dependances beginning in the South at Argyll-Shire.

CAMPBELLS.—In the Irish tongue Called Clanquin, The Duke of Argyll is their Chieften, and is Named in the Highlands Mack-Callen-More he can raise out of his own property, Small Vassals, and Kinsmen Lands, 3000 Men. The Earl of Broadalbine more than 1000 and the many Great Barrons Such as Auchinbreck, Ardkindloss Lochnell &c. &c. at least Another 1000. So that that Clan Could bring to the field above 5000 Men besides a Vast many Barrons and Gentlemen, not only out of Argyll, but out of Dumbarton, Streoling and Perth Shires, and are at present the Richest and Most Numerous Clan in Scotland, their Countreys and Bounds Most Extensive, their Superiorities, Jurisdictions and other Dependances by far the Greatest in the Kingdom, which makes them the familie of Greatest Significancy and power in North Brittain and Always has been So, Since the Declyn of the Douglasses the totall Fall of the Cummins and the extinction of the Earl of Ross his Familie.

MACKLEANS.—In Irish called Clan Lein Sir Hector Macklean is their Chieften and is Called in the Highlands Mackillein, was a verry

potent Clan About 200 years Agone, and Could have raised above 800 men, but now that the familie of Argyll are possessed of their Chieften's Estate, they will hardly make 500, and even Many of these brought out of the Duke's Lands.

MACKLACHLEN.—In Irish Called Clan Lachlen the Laird of Macklachlen is the Chief can raise 200 Men.

STEWART OF ASSIN.—The Laird of Assin is the Chief, he holds his Lands of the Crown, and can raise 300 Men.

MCDUGALS OF LORN.—In Irish Called Clanrickcuil, their Chieften the Laird of Mackdougall and is Called in the Highlands Mackcuill Lorn, was a more potent familie of old but now much Diminished by the Campbells, and Can (I believe) Still bring out 200 Men.

Proceeding Northward by the Coast and Isles.

MACKDONALD OF SLATE.—Sir Alexander Mackdonald is their Chief, in Irish Called Mack-Conell, simply by way of Preheminence, he has a very Considerable Estate which holds all of the Crown, and lyes in the Isles of Sky and Uist and can bring out 700 Men.

MACKDONALD OF CLANRONALD.—In Irish the Chieften is Called Mackick-allen, and in English Captain of Clanronald, he has a Very handsome estate, holds most of it of the Crown, which lyes in Moidart, and Arisack, on the Continent, and in the Isles of Uist, Benbecula, Cana, Rum, &c., he brings out 700 Men.

MACKDONALD OF GLENGARY.—The Laird of Glengary is their Chief, who in Irish is Called Mackick Alaster he has a pretty good estate all holden of the Crown which lyes in the Countreys of Glengary, and Knoidart, both on the Continent, and Can bring out 500 Men.

MACKDONALD OF KEPOCH.—Kepoch is their Chieften in Irish is Called Mackickvailt he is not so much as a Propriatar of one furr of Land, but only Tacksmen and tennants, both himself and kinsmen, in the most of their possessions, to the Laird of Mackintosh, and the remaining part to the Duke of Gordon, All lying in Lochaber he can raise and bring out 150 men.

MACKDONALD OF GLENCO.—The Laird of Glenco is their Chief who in Irish is Called Mackickian he is but a very small propriatar, he holds his lands of Stewart of Apin, and Can raise 150 Men.

These Five Chieftens of Mackdonalds, all Claim a Lineal Descent from Alexander Mackdonald Earl of Ross Successor and Representative

of Donald of the Isles, but none of them have any Clear Documents to Vouch the Same, So that that great and Aspyring Familie, who wadged frequent wars with our Scots Kings, and who Acted as Sovereigns themselves, and oblinded Most of the Clans to Swear Fealty to them, is now Utterly Extinct, The last Earl having No Sons, neither had he any Near Male relation to Succeed him.

CAMERONS.—A very potent Clan in Lochaber, the Laird of Lochiel is their Chief, who is Called in Irish Mackoildin, he has a good Competent estate, but none of it holden of the Crown, The most of it is of the Duke of Argyll, and the remainder of the Duke of Gordon, he can bring out 800 Men—of Old there were Severall Small tribes in that Countrey—Viz. McMartins, Clanigilvile, and Clanigilouvie, who were always esteemed to be of the Clancattan, but now Call themselves all Camerons and are very faithfull to their Chief.

MACKLEODS.—Were Two distinct and both very potent families of Old, Viz. Mackleod of Lews and Mackleod of Harris, both thought to be of Danish Extraction, But the former is Utterly Extinct, and their Lands purchased and possessed by the Mackenzies, The now only Laird of Mackleod is their Chieften, and is in Irish Called Mackloit he has a very Considerable Fortune all holden of the Crown, lying in Glenelg on the Continent, and in the Isles of Sky and Harris, &c., &c., he can raise and bring out 700 Men.

MACKINNONS.—The Laird of Mackinnon is their Chief, who in Irish is called Mackenoin holds his Lands of the Crown both in the Isles of Sky and Mull and Can raise 200 Men.

I pass now again to the South to give Account of the Inland Chieftens beginning again at Argyle Shire and from thence proceeding Northward.

There are Severalls of Qualitie, as well as Gentlemen who are Chieftens, who have the Command of Severall Highlanders in the Countreys of Argyll, Monteith, Dumbarton, Streoling and Perth Shires, Such as the Duke of Montrose, Earls of Murray, and Bute, as also the Mackfarlands, Macknails, Macknabs and Macknachtens &c. &c. whom I freely pass over Since for Some Considerable time they have given No Disturbance by Armaments or Convocations.

DUKE OF PERTH.—Is no Claned familie, although the head of a Considerable Number of Barrons and Gentlemen of the Name of Drummond in the Low Countreys he is brought in here Allennarly Upon

account of his command of about 300 Highlanders in Glenertonie and Neighbourhood.

ROBERTSONS.—The Laird of Strowen is their Chief, they are in the Irish called Clandonachie his Lands holds of the Crown and lye in Roinach and Brae of Atholl he can raise on his own Estate about 200 Men There are near 500 More Robertsons in Atholl who Seldom or Never follow their Said Chief being a part of the following of the Duke of Atholl after Named.

MENZIESE'S.—Sir Robert Menzies of Weem is the Chieften and is in Irish Called Menernach, he has a very handsome Estate all holden of the Crown, Lying in Apenedull and Roinach and can raise 300 Men.

STEWART OF CAIRNTULLIE.—Is no Chieften but has an handsome Estate in Strathbran and Strathtey all holden of the Crown out of which he can raise 200 Men.

CLAN GREGORE.—Are a people very Remarkable for wicked Achievements, that Name has been Severall times Discharged by Act of Parliament, So that they are at present Disguised Under the Severall Names of Campbells, Graham, Murray, and Drummond &c. and Dispersed thorow Dumbarton, Streoling, and Perthshires, They have No freeholder or Barron Amongst them and few or None that have any heritage they have no present Chieften the Said Dignitie being Just Now Elective and Continues no longer than the Current Expedition and is Detur Digniori they can raise among them 500 Men and Are rarely Absent from any Great Convocation whatever the Quarrell may be, Since plunder and Booty is their Bussiness.

DUKE OF ATHOLL.—He is no Claned familie, although Chieften and head of a Number of Barrons and Gentlemen of the Name of Murray in the low Countrey, but is deservedly placed here upon the Account of his extensive following of About 3000 Highlanders a Good Many of them out of his own property, but most of them Upon the Account of Vast Superiorities in Glenamond, Glenlyon, Balquhidder, Strathtay, Atholl, Bishopruk of Dunkeld, Strathardel and Glenshee.

Crossing the Grampians we come to Marr.

FARQUHARSONS.—The only Claned familie in Marr, or Aberdeenshire, Are the Farquharsons in Irish Called Claniunla, they Can bring out 500 Men, The Laird of Invercald is their Chief, who has a very handsome estate holden of the Crown, both in Perth and Aberdeen Shires, there Are Severall other Barrons of his Name, that have competent fortunes.

DUKE OF GORDON.—Is no Claned familie, Although a Chieften of a Very Considerable and powerfull Name in the Low countries, besides that he has a great Posse of Gentlemen on horse back in Enzie and Strathboggie, but he is only placed here, upon the Account of his followings of Highlanders in Strathavin and Glenlivet which will be about 300 Men. His extensive Superiorities and Jurisdictions in the Highlands, Viz. in Badenoch and Lochaber, does not yield him Any followers, the possessions of his own Very property, As well as these whole Countreys, follow their Naturall Chieftens, of whom they are Descended, and have no Manner of Regard, either to Masters, or Superiors.

GRANTS.—A Considerable Name and familie in Strathspey, the Laird of Grant is their Chief who has an handsome and Large Estate, both in Strathspey and Urquhart, all holden of the Crown, except Abernethie which he holds of the Earl of Murray, He can raise out of Strathspey 700 Men and out of Urquhart 150 he has Severall Barrons of his Name, both in Inverness, Murray, Bamff, and Aberdeen-Shires.

MCINTOSHES.—This was one of the most potent Clans in Scotland, when their Residence was at castle in Lochaber, the Antient Seat of their familie (of which Countrey they are Still Heritable Stewarts) but the Cammerons having purchased most of Said estate has much Diminished their power. The Laird of Mackintosh is their Chief, in Irish Called Macintoshuk and in English Commonly termed Captain of Clan Chattan, he can bring out 800 Men Including the Small Neighbouring familis, of Mackgillivray, Mackqueen, Mackbain, &c., &c., who all own themselves his Kinsmen, His Countreys are Brae Lochabar, Badenoch, Strathern and Strathnearn. He Still retains a very Competent Estate he holds Brae Lochabar, Moy and Largs of the Crown, Badenoch of the Duke of Gordon, and Most of his kinsmen hold Strathern and Strathnairn of the Earl of Murray.

MCPHERSONS.—Called in Irish Clanvurich, their Chief is the Laird of Clunie, he can bring out 300 Men, his whole Lands and all his Kinsmens lands, are holden of the Duke of Gordon and lye in Badenoch.

FRAZERS.—Are a Considerable Clan in the Countreys of Aird and Stratharrigg, Their Chieften is Lord Lovat, in Irish Called Mackimmie has a very Considerable estate all holden of the Crown, and Can raise 700 Men, he has a good Number of Barrons of his Name All in Inverness Shire.

GLENMORISTON GRANT.—Is no Chieften, neither does he ever follow any, he brings out 100 Men his lands are holden of the Crown, and does frequently in Armaments Join with McDonald of Glengary.

CHISOLMS.—Their Chieftain is Chisholm of Straglass in Irish Called Inshisolich holds his Land of the Crown and Can bring out 200 Men.

MCKENZIES.—One of the Most Considerable Clans Under one head (next to the Campbells) in the Nation. The Earl of Seaforth was, and Now Lord Fortrose is, their Chief, in Irish is Called Mackkynnich, He out of his Countreys of Kintaile, Lochelsh, Lochbroon, and Lochcaron, on the Continent, and in the Isles of Lews, &c. Can raise 1000 Men which is all he can Command, The Earl of Cromartie with 8 or 9 Barrons of the Name and an Number of Smaller Gentlemen can amongst them raise 1000 More, but are not Much Inclined to follow their Chief, Neither are they in Use, or Very Apt to Armaments in that Countrey of Ross &c. of late they are much come in to Independancy.

MONROES.—Sir Hary Monroe of Foules is their Chief, his Lands are holden of the Crown, and Can raise 300 Men.

ROSSES.—Lord Ross is their Chief, his Lands hold of the Crown and Can raise 300 Men.

SUTHERLANDS.—The Earl of Sutherland is their Chief Can raise 700 Men.

MACKAYS.—The Lord Rae is their Chief His Estate lyes in Strathnaver and he can raise 500 Men.

SINKLAIRS.—The Earl of Caitness is their chief and Could raise 500 Men, but his Estate being Mostly gone both it and the followings are now in the hands of Sincklairs of Dunbeth and Ulpster &c.

The whole following brought in one View.

Campbells	3000	Mackleods	700	Mackintoshes	800
Mackleans	500	Mackinnons	200	Mackphersons	300
Macklachlens	200	Duke of Perth.....	300	Frazers	700
Stewarts of Apin.....	300	Robertsons	200	Glenmoriston	100
Mackdougalls	200	Menzieses	300	Chisolm's	200
McDonald of Slate.....	700	Stewart, Garntilly	200	Mackenzies	2000
McDonald, Clanronald.	700	Mackgregors	500	Monroes	300
McDonald, Glengary ...	500	Duke of Atholl	3000	Rosses	300
McDonald, Kepoch ...	150	Farquharsons	500	Sutherland	700
McDonald, Glencoe ...	150	Duke of Gordon	300	Mackays	500
Camerons	800	Grants	850	Sincklairs	500
first Colum	<u>7200</u>	Second Colum	<u>8050</u>	third Colum	<u>6400</u>

In all 21,650 Men.

Ye have Now all the power of the Armed Highlanders att one View which ye may perceive to be above 20000 Thousand, A Sufficient force to have Conquered All the rest of the Scottish Nation, if they had amind, and Could but have agreed, how to Divide the Booty and Consequently a force, that was Capable when United to Disturb the peace of the whole United Island at their pleasure, and Might at last, with but a small Conjunction of foreigners, have endangered the totall overthrow of our happy Constitution.

This Was the State of the Nation as to our Scots Highlanders before the Rebellion, but now that the Government, out of their Great prudence and wisdom, by many wholesome Laws and Acts of Parliament, have so far Destroyed and eradicate the most of all Dependances by Discharging all obligations, for Hunting, Watching and warding. And Also Discharging all personall Services in Charters, and further taking Away all Wardholdings which in the very Nature imported the Same, Besides the Subjects being Now happily liberate from forfeitry in time of Minority and from their being deprived of their wifes portions as also free'd of the Sadd effects of the hard and oppressive practices, of Recognitions, Single And Life-rent escheats, and All this Most Generously done by his Most Gracious Majesty to the Great Loss and Diminution of his Crown rents.

And further Now Considering that Not only the Smaller Gentry, but the whole Lowest class of People, have their Chattels and Moveable Effects, as well as their lives taken out of the power and hands, of all Heritable Jurisdictions Great and Small, and thereby freed them from the terrour of being Subject, to the penalties and Arbitrary Decrees of these Ignorant and Mercenary Judges, and that hereby not only Vassalls, but all within Regallities, Stewarties, &c. are fully liberate from their former Slavery and Dependance, but Now also that all farmers, tennantries, and the very Lowest people are free'd from being bound to pay their Masters any oppressive or Illegal Services, which will not bear being Named in Such.

When all that is Said is Maturely Considered, and the whole body of the people clearly perceive themselves manumitted from a State of Slavery and Misery, and Now made free Denisons of the happy English Constitution, and when once Convinced that it is not in the power of Any Superior, Chieften, or Land-Lord, to oppress (or in the laest hurt) them either in their persons, or estates Ye may be sure it will make a

very Strange Revolution in their Minds and Sentiments and will determine them as to their future peaceable Deportment.

And if that Villianous practice of Thieving was once totally Suppressed, which forces them to retain the Use of Arms for Self Defence there would never thereafter be Use for any, Neither any Convocation be heard of in an Age.

It is with Good Ground Now believed, that of All the Grand list Mentioned More than three fourths of them will Vanish, and be laid Aside particularly the whole Inland Chieftens and Superiors, and that henceforth none of those potentates (of any Donomination) will ever be Capable to bring a Single 100 Men to the field More than their Domestick Servants, Excepting these Naturall Chieftens After-Named whose followers are Generally all their Kinsmen Descended of their families and who have no manner of Regard either to Superiors or Landlord but where it Chances to be their own Chieften.

Mackleans	500	Mackdonald of Slate	700	Mackdonald, Glenco ..	150
Macklachlans	200	Mackdonald of Clanranald	700	Mackleods	700
Stewart of Apia	300	Mackdonald of Glengary...	500	Mackinnons.....	200
Camerons, Lochil	800	Mackdonald, Kepoch	150		
first Colum	<u>1800</u>	Second Colum	<u>2050</u>	Third Colum	<u>1050</u>

In all 4900 Men.

These families are Now the only people whose Chieftenries and Capacitie of Giving Disturbance Still Subsists, and are not in the least touched or Diminished, by all the Acts and Laws as Yet made. Since they have an Inherent Attractive Virtue, which makes their people follow as Iron Claps to the Loadstone, whereas the whole others in the Generall Grand list was rarely brought out (even before the late good Laws) without Some force and Compulsion.

It must be a work of Some time before these Ignorant and Barbarious people, Can be brought to make the right Use of their Reason, So as to Compare their State with others, if that was once happily done, their Miserable and beggarly Dependance, and blind obedience without Asking Questions, would Soon fall to the Ground.

It is true example (which is much more prevalent than precept) of their Numerous Neighbours (lately in their own Miserable Circumstances,) whom, when they See in joy full liberty and Independance, and employing their whole time upon their own husbandries and Affairs, without being

Diverted by any despotick orders from their Superiors, Masters, or Chieftans, may Come Suddenly to open their eyes and Clear up their Understandings ; And I am further perswaded, that Upon the very first designed Commotion, or Armament (if any Such Should happen in our time,) in these Highland remote Countreys, when they see more than three parts of four of their old Comerad Clans, Staying at home in peace and Safety ; that Neither their Chieftans, Nor themselves, will ever adventure to expose themselves, with their few remaining Numbers, in opposition to A settled Government, and who may be very Sure Always to be left in the Lurch, and will be deceived if they put any trust and Confidence in false and perfidious French Succours.

There is one Infallible way yet remaining, which (in the Memorialist's humble opinion) would in A very Short time Utterly eradicate even these remaining Dependances and following, the prosecution of which, would in Many other respects tend to the great Benefit and Advantage of the whole United Island.

Viz. That the Government out of their wisdom and prudence would Cause build and erect Severall Small Villadges, in the Most fertile Spots of Ground, Upon the Western Coasts and Isles, where there is plenty of Wool and where they Could propagate Flax and other Subjects for Manufactories, and that these Villadges be placed, (by the Advice of fit people) Upon the Creeks and Bays, Most Noted for herrings, and Cod, Fishing. That both Manufactories and fisheries Could be carried on at the Same time, this would very Soon Considerably Advance his Majestys Customs, make great increase and extension of Trade, and Navigation, and A further Supply of Seamen for Recruiting the Navy.

This Usefull and worthy design, has been Severall times (although but faintly) Attempted, and dropt for want of Vigorous prosecution, and particularly in the Reign of K. Charles the Second, which was Most imprudently given Up, even when it Came to a pretty good bearing, Such Great and beneficiall designs that tend to the Visible benefit of a whole Nation should Never have been dropt or laid Aside, upon the Account of Any Misgivings, or Discouragements in its infancie, otherways wee at this Day, had Never had one foot of Ground, either in the west, or east Indies, where there were Severall hundreds of thousands of Pounds Sunk and lost, by many fruitless expeditions, before ever there were one Shilling returned, However a vigorous prosecution, with further

repeated Attempts and essays, at last brought both to Such a bearing, that the riches gained by such extensive trade and Navigation, Makes the Brightest Gemm in our Brittish Diadem. And hath further honoured our (though but small) Island with Such a Naval force, as by all Nations to be Acknowledged, the Most potent Maritime power in the world.

And when we are Capable to finish and Make good Such Glorious Designs in the different remottest parts of the earth, why Should we neglect such an easy purchase, of such an inexhaustable Treasure, lying at our own Doors, particularly when we have So Many Thousands of Idle hands, who are Now Starving to be Employed.

If these poor Miserable people (who would willingly take any Im-ployment in their own Countrey) were once fitted and Used to earn their bread by their Labour, it would utterly eradicate, all beggarly and Starving dependance Upon any person whatsoever. So that this would give a final Blow, and dead Stroke to all dependance and would Make that poorest, and Most despicable part of the Kingdome, Amongst the Richest.

Besides that it would Convert that torrent of Lawless power, which lay always as thorns in our Sides, to disturb our peace at their pleasure. To a Society of very Usefull and Necessary Members of the Common-wealth.

The memorialist humbly leaves this last, and Certain Remedy to the Serious Attention and Consideration of the present wise Ministry, he being perfectly Convinced that the project would Soon turn out to be a Considerable benefit to the Undertakers, as well as to Answer the many other Valuable ends proposed.



PRINCE CHARLES EDWARD STUART.

XVIII.

PROCLAMATIONS BY JAMES VIII., 1743.

A.

His Majesty's Most Gracious Declaration.

JAMES R.

JAMES VIII. by the Grace of God, King of Scotland, England, France and Ireland, Defender of the Faith, &c. To all our loving Subjects of what Degree or Quality soever, Greeting :

Having always borne the most constant Affection to our ancient Kingdom of *Scotland*, from whence We derive Our Royal Origin, and where Our Progenitors have swayed the Sceptre with Glory, through a longer Succession of Kings, than any Monarchy upon Earth can at this Day boast of, We cannot but behold, with the deepest Concern the Miseries they suffer under a foreign Usurpation, and the intolerable Burdens daily added to their yoke, which become yet more sensible to Us, when We consider the constant Zeal and Affection the Generality of our Subjects of that Our ancient Kingdom have expressed for Us on all Occasions, and particularly when We had the Satisfaction of being Ourselves among them.

We see a Nation always famous for Valour, and highly esteemed by the greatest of foreign Potentates, reduced to the Condition of a Province, under the specious Pretence of an Union with a more powerful Neighbour. In consequence of this pretended Union, grievous and unprecedented Taxes have been laid on and levied with Severity in spite of all the Representations that could be made to the contrary ; and these have not failed to produce that Poverty and Decay of Trade, which were easily foreseen to be the necessary Consequences of such oppressive Measures.

To prevent the just Resentment which could not but arise from such Usage, Our faithful *Highlanders*, a People always trained up and inured to Arms, have been deprived of them. Forts and Citadels have been built and garrisoned, where no foreign Invasion could be apprehended, and a Military Government has been effectually introduced, as into a conquered Country. It is easy to see what must be the Consequences of such violent and unprecedented Proceedings, if a timely Remedy be not put to them ; neither is it less manifest, that such a Remedy can ever be obtained, but by Our Restoration to the Throne of our Ancestors, into whose Royal Hearts such destructive Maxims could never find Admittance.

We think it needless to call to Mind how solicitous We have ever been, and how often We have ventured Our Royal Person to compass this great End, which the Divine Providence seems now to have furnished Us with the Means of doing effectually, by enabling Our good Subjects in *England* to shake off the yoke under which they have likewise felt their Share of the common Calamities. Our former Experience leave us no room to doubt of the chearful and hearty Concurrence of Our *Scots* Subjects on this Occasion, towards the perfecting the great and glorious Work : But that none may be deterred by the Memory of past Miscarriages, from returning to their Duty, and being restored to the Happiness they formerly enjoyed, We in this publick Manner think fit to make known Our gracious Intentions towards all our People.

We do therefore, by this Our Royal Declaration, absolutely and effectually pardon and remit all Treasons, and other Crimes hitherto committed against Our Royal Father, or Ourselves ; from the Benefit of which Pardon We except none ; but such as shall, after the Publication hereof wilfully and maliciously oppose Us, or those who shall appear, or endeavour to appear, in Arms for Our Service.

We farther declare, That We will, with all convenient Speed, call a Free Parliament, That, by the Advice and Assistance of such an Assembly, We may be enabled to Repair the Breaches caused by so long an Usurpation, to redress all Grievances, and to free our People from the unsupportable Burden of the Malt-Tax, and all other Hardships and Impositions which have been the Consequences of the pretended Union, that so the Nation may be restored to that Honour, Liberty and Independency, which it formerly enjoyed.

We likewise promise, upon Our Royal Word, to protect, secure and maintain all Our Protestant Subjects in the free Exercise of their Religion, and in the full Enjoyment of all their Rights, Privileges and Immunities, and in the secure Possession of all Churches, Universities, Colleges and Schools, conformable to the Laws of the Land.

All this We shall be ready to confirm in our first Parliament, in which We promise to pass any Act or Acts that Shall be judged necessary to secure each Private Person in the full Possession of his Liberty and Property, to advance Trade, to relieve the Poor, and establish the general Welfare and Tranquillity of the Nation : In all such Matters We are fully resolved to act always by the Advice of our Parliaments, and to value none of our Titles so much, as that of *Common Father of our People*, which We shall ever shew Ourselves to be, by Our constant Endeavours to promote the Quiet and Happiness of all Our Subjects. And We shall be particularly sollicitous to settle, encourage, and maintain the Fishery and Linen Manufactory of the Nation, which We are sensible may be of such Advantage to it, and which, We hope, are Works reserved for Us to accomplish.

As for those who shall appear more signally zealous for the Recovery of our just Rights, and the Prosperity of their Country, We shall take effectual Care to reward them according to their respective Degrees and Merits. And We particularly promise, as aforesaid, Our full, free, and general Pardon to all Officers, Soldiers and Sailors, now engaged in the Service of the Usurper, whether of the Sea or Land, provided that, upon the Publication hereof, and before they engage in any Fight or Battle against our Forces, they quit the said unjust and unwarrantable Service, and return to their Duty ; in which Case We shall pay them all the Arrears that shall be at that Time due to them from the Usurper : We shall grant to the Officers the same Commissions they shall then bear, if not higher ; and to all Soldiers and Sailors a Gratification of a whole year's Pay, for their Forwardness in promoting Our Service.

We farther promise and declare, that the Vassals of such as shall, without Regard to Our present Declaration, obstinately persist in their Rebellion, and thereby forfeit all Pretensions to Our Royal Clemency, shall be delivered from all Servitude they were formerly bound to, and shall have Grants and Charters of their Lands to be held immediately of the Crown, provided they, upon the Publication of this Our Declaration, declare openly for Us, and join heartily in the Cause of their Country.

And having thus declared Our gracious Intentions to Our loving Subjects, We do hereby require and command them to be assisting to Us, in the Recovery of Our Rights, and of their own Liberties: And that all Our Subjects, from the Age of Sixteen to Sixty, do, upon the setting up of Our Royal Standard, immediately repair to it, or join themselves to such as shall first appear for Us in their respective Shires; and also to seize the Horses and Arms of all suspected Persons, and all Ammunition, Forage, and whatever else may be necessary for the Use of Our Forces.

We all strictly command all Receivers, Collectors, or other Persons, who may be seized of any Sum or Sums of Money levied in the Name, or for the Use of the Usurper, to retain such Sum or Sums of Money in their Hands, till they can pay them to some Person of Distinction appearing publickly for Us, and demanding the same for Our Use and Service, whose Receipt or Receipts shall be a sufficient Discharge for all such Collectors, Receivers, or other Persons, their Heirs, &c.

Lastly, We do hereby require all Sheriffs of Shires, Stewards of Stewartries, and their respective Deputies, Magistrates of Royal Boroughs, and Bailies of Regalities, and all others to whom it may belong, to publish this Our Declaration at the Market-Crosses of their respective Towns and Boroughs, and there to proclaim Us, under the Penalty of being proceeded against according to Law, for their Neglect of so necessary and important a Duty.

Given at Our Court at Rome, the 23^d Day of December 1743, the
Forty-third year of Our Reign. J. R.

B.

JAMES, R.

Whereas We have a near Prospect of being restored to the Throne of Our Ancestors, by the good Inclination of Our Subjects towards Us; and whereas, on Account of the present Situation of this Country, it will be absolutely impossible for Us to be in Person at the first setting up of Our Royal Standard, and even some Time after; We therefore esteem it for Our Service, and the Good of Our Kingdoms and Dominions, to nominate and appoint, as we hereby nominate, constitute and appoint, Our dearest Son CHARLES Prince of *Wales*, to be sole Regent of our

Kingdoms of England, Scotland, and Ireland, and of all other Our Dominions during Our Absence. It is Our Will and Intention, That our said dearest son should enjoy and exercise all that Power and Authority, which, according to the ancient Constitutions of Our Kingdoms, has been enjoyed and exercised by former Regents. Requiring all Our faithful Subjects to give all due Submission and Obedience to Our Regent aforesaid, as immediately representing Our Royal Person, and acting by Our Authority. And We do hereby revoke all Commissions of Regency granted to any Person or Persons whatsoever. And, *lastly*, We hereby dispense with all Formalities, and other Omissions that may be herein contained, declaring this Our Commission to be as firm and valid, to all Intents and Purposes, as if it had passed Our Great Seals, and as if it were according to the usual Stile and Forms.

Given under our Sign Manual and Privy Signet, at Our Court at Rome, the 23^d Day of December, 1743, in the 43^d year of Our Reign.
J. R. (L. S. Loco Sigilli.)

XIX.

PROCLAMATIONS BY PRINCE CHARLES EDWARD, 1745.

A.

CHARLES P. R.

By Virtue and Authority of the above Commission of Regency, granted unto Us by the King our Royal Father ; We are now come to execute his Majesty's Will and Pleasure, by setting up his Royal Standard, and asserting his undoubted Right to the Throne of his Ancestors.

We do therefore, in His Majesty's Name, and pursuant to the Tenor of his several Declarations, hereby grant a free, full and general Pardon for all Treasons, Rebellions, and Offences whatsoever, committed at any Time before the Publication hereof, against Our Royal Grandfather, His Present Majesty and Ourselves. To the Benefit of this Pardon, We shall deem justly intitled all such of His Majesty's Subjects, as shall testify their Willingness to accept of it, either by joining Our Forces with all convenient Diligence, by setting up his Royal Standard in other Places, by repairing for Our Service to any Place where it shall be set up ; or, at least, by openly renouncing all pretended Allegiance to the Usurper, and all Obedience to his Orders ; or to those of any Person or Persons commissioned, or employed by him, or acting avowedly for him.

As for those who shall appear more signally zealous for the Recovery of His Majesty's just Rights, and the Prosperity of their Country, We shall take effectual Care to have them rewarded according to their respective Degrees and Merits ; and We particularly promise, as aforesaid, a full, free and general Pardon to all Officers, Soldiers, and Sailors, now engaged in the Service of the Usurper ; provided, that upon the Publication hereof, and before they engage in any Fight or Battle against His Majesty's Forces, they quit the said unjust and unwarrantable Service, and return to their Duty ; since they cannot but be sensible, that no

Engagements, entered into with a foreign Usurper, can dispense with the Allegiance they owe to their natural Sovereign. And as a further Encouragement to them to comply with their Duty and our Commands ; We promise to every such Officer, the same, or a higher Post in Our Service, than that which he at present enjoys, with full Payment of whatever Arrears may be due to him at the Time of his declaring for Us ; and to every Soldier, Trooper, and Dragoon, who shall join Us, as well as to every Seaman and Mariner of the Fleet, who shall declare for, and serve Us, all their Arrears, and a whole year's Pay to be given to each of them as a Gratuity, as soon as ever the Kingdoms shall be in a State of Tranquillity.

We do hereby farther promise and declare, in His Majesty's Name, and by Virtue of the abovesaid Commission ; That, as soon as ever that happy State is obtained, he will, by and with the Advice of a Free Parliament, wherein no Corruption, nor undue Influence whatsoever, shall be used to bias the Votes of the Electors, or Elected ; settle, confirm, and secure all the Rights, Ecclesiastical and Civil, of each of his respective Kingdoms : His Majesty being fully resolved to maintain the Church of *England*, as by Law established, and likewise the Protestant Churches of *Scotland* and *Ireland*, conformable to the Laws of each respective Kingdom ; together with a Toleration to all Protestant Dissenters : He being utterly averse to all Persecution and Oppression whatsoever, particularly on account of Conscience and Religion. And We Ourselves, being perfectly convinced of the Reasonableness and Equity of the same Principles ; do, in consequence hereof, farther promise and declare, That all His Majesty's Subjects shall be, by Him and Us, maintained in the fully Enjoyment and Possession of all their Rights, Privileges, and Immunities, and especially of all Churches, Universities, Colleges and Schools, conformable to the Law of the Land, which shall ever be the unalterable Rule of His Majesty's Government, and Our own Actions.

And, that this Our Undertaking may be accompanied with as little present Inconveniency as possible to the King's Subjects, We do hereby authorise and require all Civil Officers and Magistrates, now in Place and Office, to continue, till farther Orders, to execute their respective Employments in Our Name and by Our Authority, as far as may be requisite for the Maintenance of common Justice, Order and Quiet ;

Willing and requiring them, at the same time, to give strict Obedience to such Orders and Directions, as may from Time to Time be issued out by Us, or those who shall be vested with any Share of Our Authority and Power.

We also command and require all Officers of the Revenue, Customs and Excise, all Tax-Gatherers, of what Denomination soever; and all others who may have any part of the publick Money in their Hands, to deliver it immediately to some principal Commander authorized by Us, and take his Receipt for the same, which shall be to them a sufficient Discharge; and, in case of Refusal, We authorize, and charge all such Our Commanders, to exact the same for Our Use, and to be accountable for it to Us, or Our Officers for that Purpose appointed.

And having thus sincerely, and in the Presence of Almighty God, declared the true Sentiments and Intentions of the King Our Royal Father, as well as Our own, in this Expedition, We do hereby require and command all His loving Subjects to be assisting to Us in the Recovery of His just Rights, and of their own Liberties: And that all such, from the Age of Sixteen to Sixty, do forthwith repair to His Majesty's Royal Standard, or join themselves to such as shall appear in their respective Shires for His Service: And also to seize the Horses and Arms of all suspected Persons, and all Ammunition, Forage, and whatever else may be necessary for the Use of Our Forces.

Lastly, We do hereby require all Mayors, Sheriffs, and other Magistrates, of what Denomination soever, their respective Deputies, and all others to whom it may belong, to publish this our Declaration at the Market Crosses of their respective Cities, Towns, and Boroughs, and there to proclaim His Majesty, under the Penalty of being proceeded against according to Law, for the Neglect of so necessary and important a Duty: For as we have hereby graciously and sincerely offered a free and general Pardon for all that is passed; so We, at the same time, seriously warn all His Majesty's Subjects, that We shall leave to the Rigour of the Law, all those who shall from henceforth oppose Us, or willfully and deliberately do or incur in any Act or Acts, Civil or Military, to the Lett or Detriment of Us, Our Cause or Title, or to the Destruction, Prejudice, or Annoyance of those, who shall, according to their Duty and our Intentions thus publickly signified, declare and act for Us.

Given at Paris, the 16th May 1745.

C. P. R.

B.

CHARLES Prince of Wales, &c., Regent of the Kingdoms of Scotland, England, France and Ireland, and the Dominions thereunto belonging.

Whereas We have seen a certain scandalous and malicious Paper, published in the Style and Form of a Proclamation, bearing Date the 1st Instant, wherein, under Pretence of bringing Us to Justice, like Our Royal Ancestor King *Charles* the I. of blessed Memory, there is a Reward, of Thirty Thousand Pounds *Sterling*, promised to those who shall deliver Us into the Hands of Our Enemies: We could not but be moved with a just Indignation at so insolent an Attempt. And tho' from Our Nature and Principals We abhor and detest a Practice so unusual among Christian Princes, We cannot, but out of a just Regard to the Dignity of our Person promise the like Reward of Thirty Thousand Pounds *Sterling*, to him or those who shall seize and secure, till Our further Orders, the Person of the Elector of *Hanover*, whether landed, or attempting to land, in any Part of His Majesty's Dominions. Should any fatal Accident happen from hence, let the Blame lie entirely at the Door of those who first set the infamous Example.

CHARLES P. R.

Given in Our Camp at Kinlocheill,
August the 22nd, 1745.

By His Highness's Command

JO. MURRAY.

C.

CHARLES Prince of Wales, &c., &c.

Whereas We are informed, that great Distress, and many Inconveniencies have attended the Removal of the two Banks into the Castle, and that the Credit of the said Banks has suffered much, from an Opinion industriously spread, that we intended to seize on Money, wherever it was to be found, to the Detriment of our Father's Subjects.

We therefore judge it proper, for the Good of all his Majesty's Subjects, and as a Security to the several Proprietors of the Banks, to declare, That their Money and Effects lodged therein, shall be entirely sure under our Protection, and free from all Contribution to be exacted by us in any Time coming : So that the said Proprietors may return with Safety to their former Business of Banking, under our special Protection : And we ourselves shall contribute so far in the Re-establishment of Publick Credit, as to receive Bank Notes in Payments made to us in Publick, or other Monies, and shall issue the same in Payments to be made by us : So that our Arrival in this Kingdom shall in no wise hurt or influence the Credit formerly established.

CHARLES P. R.

Given at our Palace of Holyrood-House,
the 25th Day of September 1745.

By His Highness's Command,

JO. MURRAY.

D.

CHARLES Prince of Wales, &c., Regent of Scotland, England,
France and Ireland, with the Dominions thereunto belonging.

Whereas We are informed, That several of Our Subjects, as well Clergy as Laity, in Our ancient City of *Edinburgh*, and Neighbourhood thereof, did officiate and take up Arms against Us ; and that many of them fled from their Houses, lest they had been persecuted, and made Examples of, as their demerited.

And whereas, we have nothing at Heart, but the Good of all Our Subjects, how much so ever deluded by the Prejudice of Education or mistaken Interest ; and being always disposed, as a true Father of our Country, to display that Mercy and Tenderness natural to Us, and the distinguishing Characteristic of our Family.

We do therefore, in his Majesty's Name, hereby grant a full Pardon to the Persons officiated as aforesaid, for all Treasons, Rebellions, and Offences whatsoever, committed by them at any Time before the Publication of these Presents whether against Our Royal Grandfather

of blessed Memory, his present Majesty, or Ourselves, dispensing with the Generality hereof, and admitting the same to be as effectual, to all Intents and Purposes, as if all their Names had been herein set down. Provided always, That the Persons aforesaid present themselves within twenty four days after the Publication hereof to our trusty and beloved Counsellor *John Murray of Broughton*, Esq.; Our Secretary, or any one of Our Council appointed for that Purpose, at our Palace of *Holyrood-House*, or where else We shall be for the Time, with a Declaration that they shall live for the future as quiet and peaceable Subjects to Us and Our Government, otherwise these Presents to be of no Effect to them.

Given at our Palace of Holyrood-House the 24th Day of September,
and of his Majesty's Reign the 45th year 1745.

CHARLES P. R.

By His Highness's Command.

JO. MURRAY.

E.

CHARLES Prince of Wales, &c., Regent of Scotland, England,
France and Ireland, and the Dominions thereunto belonging.

CHARLES P. R.

Whereas We are certainly informed, That the Elector of *Hanover* has taken upon him, to summon a Parliament to meet at *Westminster*, on *Tuesday* the Seventeenth of this Instant *October*; We hereby warn and command all his Majesty's Liege Subjects, whether Peers or Commoners, to pay no Obedience to any such Summons, and not to presume to meet or act as a Parliament at the Time and Place appointed, or any other; the so doing by any Authority but that of the King our Royal Father, since the setting up of his Standard, and his Majesty's gracious Pardon offered for all that is past, being an Overt Act of Treason and Rebellion: but if, notwithstanding this our Declaration, any Number of Persons shall presume to meet in either House, and act there as Members of a lawful Parliament, they cannot but be sensible that no Right or Privilege of Parliament can avail to justify what they say or do,

in such an unlawful Assembly. And for those of his Majesty's Subjects of this his ancient Kingdom of Scotland, whether Peers or Commoners, who shall, contrary to these our express Commands, presume to sit or vote as aforesaid, as soon as the same shall be verified to us, the Transgressors shall be proceeded against as Traitors and Rebels to their King and Country, and their Estates shall be confiscated for his Majesty's Use, according to the Laws of the Land ; the pretended Union of the Kingdoms being now at an End. *Lastly*, We hereby strictly enjoin and command all his Majesty's faithful Subjects, of what Rank and Degree soever, to pay no Obedience or Regard to any Act, Vote, Order, or Resolution, that may be published in the Name of both Houses, or of either of them respectively, as they shall answer the contrary at their Peril.

Given at the Palace of Holyrood-House, the ninth Day of October,
One thousand seven hundred and forty five.

CHARLES P. R.

By His Highness's Command,

JO. MURRAY.

F.

CHARLES Prince of Wales, &c., Regent of the Kingdoms of England, Scotland, France, and Ireland, and the Dominions thereunto belonging : Unto all His Majesty's Subjects, of what Degree soever, Greeting.

CHARLES P. R.

As soon as We, conducted by the Providence of God, arrived in *Scotland*, and were joined by a Handful of Our Royal Father's Subjects, Our first Care was to make publick his most gracious Declaration ; and, in consequence of the large Powers by him vested in Us, in quality of a Regent, We also emitted Our own *Manifesto*, explaining and enlarging the Promises formerly made, according as We came to be better acquainted with the Inclinations of the People of *Scotland*. Now, that it has pleased God so far to smile on Our Undertaking, as to make Us Master of the ancient Kingdom of *Scotland*, We judged it proper, in this publick

Manner, to make manifest what ought to fill the Hearts of all his Majesty's Subjects, of what Nation or Province soever, with Comfort and Satisfaction.

We therefore hereby, in his Majesty's Name, declare, That his sole Intention is to reinstate all his Subjects in the full Enjoyment of their Religion, Laws and Liberties ; and that Our present Attempt is not undertaken in Order to enslave a Free People, but to redress and remove the Encroachments made upon them ; not to impose upon any a Religion which they dislike, but to secure them all the Enjoyment of those which are respectively at present established among them, either in *England, Scotland, or Ireland* ; and if it shall be deemed proper, that any farther Security be given to the established Church or Clergy, We hereby promise, in his Name, That he shall pass any Law that his Parliament shall judge necessary for that Purpose.

In Consequence of the Rectitude of Our Royal Father's Intentions, We must farther declare his Sentiments with regard to the National Debt : That it has been contracted under an unlawful Government, Nobody can disown, no more than that it is now a most heavy Load upon the Nation ; yet, in regard that it is for the greatest part due to those very Subjects whom he promises to protect, cherish, and defend, he is resolved to take the Advice of his Parliament concerning it, in which he thinks he acts the Part of a just Prince, who makes the Good of his People the sole Rule of his Actions.

Furthermore, We here in his Name declare, That the same Rule laid down for the Funds, shall be followed with respect to every Law or Act of Parliament since the Revolution ; and, in so far as, in a free and legal Parliament, they shall be approved, he will confirm them. With respect to the pretended Union of the two Nations, the king cannot possibly ratify it, since he has had repeated Remonstrances against it from each Kingdom ; and since it is incontestable, that the principal Point then in View was the Exclusion of the Royal Family from their undoubted Right to the Crown, for which Purpose the Grossest Corruptions were openly used to bring it about. But whatever may be hereafter devised for the joint Benefit of both Nations, the King will most readily comply with the Request of his Parliaments to establish.

And now that We have, in His Majesty's Name, given you the most ample Security for your Religion, Properties and Laws, that the Power

of a *British* Sovereign can grant ; We hereby for Ourselves, as Heir apparent to the Crown, ratify and confirm the same in Our own Name, before Almighty God, upon the Faith of a Christian, and the Honour of a Prince.

Let me now expostulate this weighty Matter with you, my Father's Subjects, and let me not omit this first publick Opportunity of awakening your Understandings, and of dispelling that Cloud, which the assiduous Pens of ill-designing Men have all along, but chiefly now, been endeavouring to cast on the Truth. Do not the Pulpits and Congregations of the Clergy, as well as your Weekly Papers, ring with the dreadful Threats of Popery, Slavery, Tyranny and Arbitrary Power, which are now ready to be imposed upon you, by the formidable Powers of *France* and *Spain* ? Is not my Royal Father represented as a Bloodthirsty Tyrant, breathing out nothing but Destruction to all those who will not immediately embrace an odious Religion ? Or, Have I my self been better used ? But listen only to the naked Truth.

I, with my own Money, hired a Vessel, ill provided with Money, Arms or Friends ; I arrived in *Scotland*, attended by seven Persons ; I publish the King my Father's Declaration, and proclaim his Title, with Pardon in one Hand, and in the other Liberty of Conscience, and the most solemn Promises to grant whatever a free Parliament shall propose for the Happiness of a People, I have, I confess, the greatest Regard to adore the Goodness of Almighty God, who has, in so remarkable a Manner, protected me and my small Army through the many Dangers to which we were at first exposed, and who has led me in the Way to Victory, and to the Capital of this ancient Kingdom, amidst the Acclamations of the King my Father's Subjects ; why then is so much Pains taken to spirit up the Minds of the People against this my Undertaking.

The Reason is obvious, it is, lest the real Sense of the Nation's present Sufferings should blot out the Remembrance of past Misfortunes, and of the Outcries formerly raised against the Royal Family. Whatever Miscarriages might have given Occasion to them, they have been more than atoned for since ; and the Nation has now an Opportunity of being secured against the like for the future.

That our Family has suffered Exile during these Fifty-seven Years, every Body knows. Has the Nation, during that Period of Time, been

the more happy and flourishing for it? Have you found Reason to love and cherish your Governors, as the Fathers of the People of *Great Britain* and *Ireland*? Has a Family, upon whom a Faction unlawfully bestowed a Diadem of a rightful Prince, retained a due Sense of so great a Trust and Favour? Have you found more Humanity and Condescension in those who were not born to a Crown, than in my Royal Forefathers? Have their Ears been open to the Cries of the People? Have they, or do they consider only the Interest of these Nations? Have you reaped any other Benefit from them, than an immense Load of Debts? If I am answered in the Affirmative, why has their Government been so often railed at in all your Publick Assemblies? Why has the Nation been so long crying out in vain for Redress against the Abuses of Parliaments, upon Account of their long Duration, the Multitude of *Place-Men*, which occasions their Venality, the Introduction of Penal Laws, and, in general, against the miserable Situation of the Kingdom at Home and Abroad? All these, and many more Inconveniencies must now be removed, unless the People of *Great-Britain* be already so far corrupted, that they will not accept of Freedom when offered to them; seeing the King, on his Restoration, will refuse nothing that a free Parliament can ask, for the Security of the Religion, Laws and Liberty of his People.

The Fears of the Nation from the Powers of *France* and *Spain*, appear still more vain and groundless. My Expedition was undertaken unsupported by either: But, indeed, when I see a foreign Force brought by my Enemies against me, and when I hear of *Dutch*, *Danes*, *Hessians* and *Swiss* the Elector of *Hanover's* Allies, being called over to protect his Government against the King's Subjects, Is it not high Time for the King, my Father, to accept also of the Assistance of those who are able, and who have engaged to support him? But will the World, or any Man of Sense in it, infer from thence, that he inclines to be a Tributary Prince, rather than an Independent Monarch? Who has the better Chance to be Independent on foreign Powers? He, who with the Aid of his own Subjects, can wrest the Government out of the Hands of an Intruder; or he, who cannot, without Assistance from Abroad, support his Government, tho' established by all the Civil Power, and secured by a strong Military Force, against the undisciplined Part of those he has ruled over so many Years? Let him, if he pleases, try the Experiment, let him send off his foreign Hirelings, and put the whole, upon the Issue

of a Battle ; I will trust only to the king my Father's Subjects, who were or shall be engaged in mine and their Country's Cause : But, notwithstanding all the Opposition he can make, I still trust in the Justice of my Cause, the Valour of my Troops, and the Assistance of the Almighty, to bring my Enterprize to a glorious Issue.

It is now Time to conclude, and I shall do it with this Reflection. Civil Wars are ever attended with Rancour and Ill-will, which Party Rage never fails to produce in the Minds of those, whom different interests, Principles or Views, set in Opposition to one another ; I therefore earnestly require it of my Friends, to give as little Loose as possible to such Passions ; this will prove the most effectual Means to prevent the same in the Enemies of Our Royal Cause. And this my Declaration will vindicate to all Posterity the Nobleness of my Undertaking, and the Generosity of my Intentions.

Given at our Palace of *Holyroodhouse*, the Tenth Day of *October*, One
Thousand seven hundred and forty-five. C. P. R.

By his Highness's Command, JO. MURRAY.

G.

PROCLAMATION for Volunteers to join themselves in Regiments,
&c.

Whereas it is necessary, for preserving the Regularity of our Army, that all Volunteers that have, or may offer their Service to us, join themselves to some Regiment of Foot or Horse, or Train of Artillery, so that they may be mustered, paid, and do Duty along with them ; We therefore hereby order all the said Volunteers already in our Service, to join us as aforesaid, within Forty eight Hours after the Publication hereof ; and such as shall hereafter offer their Service to us, are to join as aforesaid within Forty eight Hours after their Arrival at our Army. And we hereby prohibit and discharge, under our highest Displeasure, any Person or Persons to wear Cockades, unless they be join'd as said is, or belong to the Conductors of our Baggage, Forage, Provisions, Houshold, or other Branch of our Service.

Given at our Palace of *Holyrood House*, the 22nd Day of *October*,
1745. By His Highness's Command, JO. MURRAY.

H.

CHARLES, Prince of Wales, Regent of the Kingdoms of England, Scotland, France, and Ireland, and the Dominions thereunto belonging.

Being come to recover the King our Father's just Rights, for which we are arrived with all his Authority, we are sorry to find that you should prepare to obstruct our Passage. We therefore, to avoid the Effusion of *English* Blood, hereby require you to open your Gates, and let us enter, as we desire, in a peaceable Manner; which if you do, we shall take Care to preserve you from any Insult, and set an Example to all *England* of the Exactness with which we intend to fulfil the King Our Father's Declarations and Our own. But, if you shall Refuse us Entrance, we are fully resolved to force by such Means as Providence has put into our Hands; and then it will not perhaps be in our Power to prevent the dreadful Consequences which usually attend a Town's being taken by Assault. Consider seriously of this, and let me have your Answer within the Space of two Hours; for we shall take any further Delay as a peremptory Refusal, and Take our Measures accordingly.

By His Highness's Command, JO. MURRAY.

To the Mayor of Carlisle.

I.

DECLARATION Lord John Drummond, Commander in Chief of His most Christian Majesty's Forces in Scotland;

[*Translated from the French.*]

We Lord JOHN DRUMMOND, Commander in chief of His most Christian Majesty's Forces in *Scotland*, do hereby declare, That We are come to this Kingdom with written Orders, to make War against the King of *England*, Elector of *Hanover*, and all his Adherents: And that the positive Orders, We have from His most Christian Majesty, are to

attack all His Enemies in this Kingdom, whom he has declared to be those, who will not immediately join and assist, as far as will lie in their Power, the Prince of *Wales*, Regent of *Scotland*, &c. his Alley, and whom he is resolved, with the Concurrence of the King of *Spain*, to support in taking the Kingdoms of *Scotland*, *England*, and *Ireland*, if necessary, at the Expence of all the Men and Money he is Master of. To which Kingdoms the Family of *Stewart* have the just and undisputable Title: And his most Christian Majesty's positive Orders are, That his Enemies should be used in this Kingdom in Proportion to the Harm they do, or intend to do his Royal Highness's Cause.

Given at Montrose, the 2d. December 1745.

JO. DRUMMOND.

XX.

EXTRACTS FROM ABERDEEN BURGH RECORDS, 1745-46.

A.—FROM COUNCIL REGISTER.

31st August, 1745.

The town to be put in a posture of defence.

The said day, the Council considering that there is an insurrection in the Highlands, and that its proper the Town should be put in a posture of defence, they therefore agreed that the Town should be mustered and lists of all the fensible men taken up and of their arms and amunition, and also that the whole should be divided into twelve companys, and the Officers to be as follows, viz^t, Provost John Robertson to be Major of Futtie quarter; William Chalmers, late Provost, to be Major of the Green quarter; Alexander Robertson, late Provost, to be Major of the Crooked quarter; Alexander Aberdein, late Provost, to be Major of the Even quarter; Captain — Macfarlane to be Adjutant General; Captain Alexander Gordon, Shipmaster, to be Captain of the Artilery; James Dyce, John Elphinston, Alexander Bannerman, Baillie Davidson, William Symson, John Burnet, Baillie William Mowat, William Walker, Alexander Mitchell of Colpnay, William Strachan and David Cuthbert, to be Captains of the twelve companys; James Thomson of Portlethen; Thomas Mosman, Advocate; William Brebner, Merchant; George Walker, Advocate; James Burnet, Merchant; Charles Forbes of Shiells; George Turner, Advocate; Peter Turnbull; William Middleton, Charles Copland, Junior, Andrew Logie, and James Black, Junior, Merchants, to be the twelve Lieutenants; Peter Sandilands, Merchant; Peter Barron, Wright; Adam Duff and David Farquhar, Merchants; William Crystall, Wright; Andrew Walker, Junior, Merchant; Andrew Thomson, Advocate; George Gordon, Merchant; George Cooper, Goldsmith; George Shand and George Mowat, Merchants, and William Johnston, Pewterer; to be the twelve Ensigns.

JAMES MORISON, Provost.

12th September, 1745.

The towns cannon at the harbour to be sent to Edinburgh for preservation in the Castle.

The said day, the Provost represented that Sir John Cope, Knight of the Bath, and general of the forces, had sent for him and the other Magistrats, and represented that this day he had observed on the fort at the harbour mouth several large and small cannon, and also that he was informed that the Town had a considerable number of small arms, and therefore Sir John asked the Magistrates if they were resolved to keep these cannon, arms and amunition for the defence of the Town against any enemies of the Government, or if they would incline to send them along with the transports, in order to prevent their falling into any enemy's hands ; and if they should resolve on the last proposal the general engaged that all these guns and amunition should be lodged in the Castle of Edinburgh for the towns behoof. Which being considered by the Councill, and they having deliberately pondered the same, they find that the cannon were bought for the use of the harbour, but could not be used or defended by town against a land force, and therefore resolved that all the towns cannon, with their powder and shott and implements belonging to them, should be immediately shipped and sent to the Castle of Edinburgh, along with the armys convoy. But as to the small arms, delayed the consideration thereof untill the burghers should be advised thereanent to-morrow forenoon whether they should be kept for the defence of the town, and recomends to the Magistrates to appoint proper persons for executing the premises.

JAMES MORISON, Provost.

13th September, 1745.

Sir John Cope demands the transmission also of the small arms, which is agreed to.

Att Aberdeen, the thirteenth day of September one thousand seven hundred and fourty five years, in presence of the provost and magistrats, and principall burgers, conveyener and deacons of the trades of Aberdeen : the said day the act of Councill, of yesterdays date, being

read in presence of the meeting, and the provost having represented that Sir John Cope had once and again this day conversed with him and the magistrats anent the small arms, and showing that if the Town would determine to keep these arms, and that should they afterwards be seized upon by ane enemy, the town would lay themselves obnoxious to the government and made answerable for such conduct ; and they having fully reasoned on the expedience of keeping the towns small arms for the towns defence, or if they should be transmitted along with the cannon in order to prevent their falling into the enemy's hands, Resolved that the said small arms should be sent along with the cannon to the Castle of Edinburgh for preservation, and that they may not fall into ane enemy's hands, and the Councill afternamed, viz., Provost, Baillies Gordon, Middleton, Burnet, and Leslie ; dean of gild, treasurer, masters of kirk work mortifications, and hospital ; Provost Aberdein, Baillie Davidson, David Farquhar, James Mackie, George Gordon, George Cooper, James Thom, having immediatly met after the said meeting and considered their resolution, and Sir John Cope, general of the forces, appearing in councill, and demanding, in the King's name, whether they were to deliver up the towns small arms, or let them fall in the rebells' hands, which he was sure would soon be the case, and for which they would be made answerable to the government, and demanded their answer as soon as possible ; all which being considered by the councill, they unanimously agreed to give up the towns small arms, in order to be transmitted to the Castle of Edinburgh for preservation.

13th September, 1745.

Spies to be hired during the troubles.

The said day, the councill considering the troubles that are presently in this country and in this neighbourhood, they recomend to the magistrats that they should have trusty persons as spys at all corners, at any distance they shall judge proper, in order to give intelligence of the motions any enemy, and to impower them to hyre horses, and be at all necessary expence.

JAMES MORISON, Provost.

25th September, 1745.

The Election of Council interrupted by the Jacobite Invasion of the Town.

The said day, the new councill being chosen, there were lists thereof given out, in order to meet precisely at three o'clock that afternoon with the old councill, to elect magistrates and office-bearers ; but immediately after finishing the election of the new councill, which was about twelve of the clock midday, John Hamilton in Strathbogie, with a number of armed men, both horse and foot, entered the town in a hostile manner, drums beating and colours flying, and paraded at the cross and market place, where they were joined by severall others in arms of the town and neighbourhood, and immediately they demanded the keys of the cross, and sent a party of armed men in quest of James Morison, Esq., present provost, and not finding him at home, sent a second party with orders to burn his house if he did not appear, and at last having found him, they, in a forcible manner, carried him down prisoner, with drawn swords and other weapons, to the town house, and in the same manner afterwards forced him up upon the cross, and thereafter sent in quest of the other magistrates and councillors, and having found two of the baillies and some of the councillors, they also forced them up upon the cross, and afterwards, in presence of the said John Hamilton and his adherents, and a great crowd of spectators, James Petrie, Sheriff-Substitute of Aberdeen, did openly, and with a loud voice, read the Pretender's manifesto's and declarations over the said cross. Thereafter they caused wine to be brought to the cross, where they openly and avowedly drunk the Pretender's health, and severall other treasonable and rebellious healths, and endeavoured by force to make the said provost drink their healths, which he refusing, they poured the wine down his breast, and caused the bells in town to be rung, and made publick rejoicings, and, as a pretended jubilee, caused throw open the prison doors, whereby those that were committed for murder and other crimes, as well as for debts, made their escape ; Thereafter the provost, having got free of the rebels, he and some others of the counsellors were immediatly obliged to fly the town, whereby there was ane intire stop put to any further procedure in the election of magistrates or councill, as the rebels remained in town, taking arms and horses from the inhabitants, and threatening all and

every person that should do any act or deed but in name of their Pretender, that they would be immediatly committed to prison.

The town ruled by the rebels for five months.

That in this state the town continued untill about the twenty fifth of February, one thousand seven hundred and fourty six years, overawed and under the pretended government of the rebels, their governors and deputy governors appointed by them, who kept constant possession of the town house and guards in the guard house all the forsaid space, and who extorted taxations, levy money, quartering money, and what else they thought proper, as more fully appears by the minutes of the meetings of the inhabitants, who are under a necessity to convene and deliberate how to satisfy the demands made on the town by the rebels, in order to prevent military execution and the destruction of their houses, effects, and familys. The procedure of the rebels and deliberations of the inhabitants during this juncture are fully sett furth in a book kept apart for that effect.

The Town relieved by the Duke of Cumberland. The Duke made a burgess. Orders for completing the election.

That this town was most happily relieved the last week of February by the arrival of the army under the command of His Royall Highness the Duke of Cumberland, on whose approach the rebels fled northward. That H. R. H. the Duke entered this burgh the twenty seventh of February one thousand seven hundred and fourty six years, and continued here with his army untill the eighth day of April, during which space the town received severall marks of His Royall Highnesses most gracious favour, and he did them the honour of accepting the freedom of the city, and appointed twelve of the citizens governours untill a legall magistracy should be restored, and gave them a commission, with as ample priviledges as any former magistracy; and the said governours procedure during their administration stands recorded in books apart; and before H. R. H. left the town, having such intire confidence of the loyalty of most of the citizens, he ordered arms to be given to them that they might be formed into a battallion of volunteers for the defence of the town, and

accordingly they were put under muster to the number of twixt three and four hundred men, and constantly did duty night and day untill relieved by a party of the army again, which was upon the day of June last: That upon the sixteenth day of April last past, H.R.H. having obtained a complete victory, and given a totall overthrow to the rebels at the memorable battle of Culloden, soon thereafter the governors judging that peace was in a manner restored, transmitted a petition to his Majesty King George, craving royall warrand for a new election of magistracy for the better government of this city; and his Majesty with advice of his Privie Councill was pleased to order the former Councill to proceed to finish their election alike as if they had not been interrupted; which order bears date the day of June, one thousand seven hundred and fourty six years, and appointed the election to be proceeded unto on the ninth of July then next; and which order having come directed to Provost Morison, he did, upon the fifth day of the said month of July, call the old councill, and caused read the order of Privy Councill and intimated to them to attend at the High Councill House on Wednesday thereafter, being the ninth of July, one thousand seven hundred and fourty six years, at three of the clock afternoon, in order to proceed to elect magistrats and office-bearers, and complete the election.

9th July, 1746. 3 o'clock afternoon.

Act of Privy Council for completing the Election of the Council.

And they having accordingly this day mett, time and place forsaid, together with the new councill, conveener, and deacons of crafts, the Provost again produced the forsaid order of the Privy Councill, which was read in presence of the new and old Councils, and of which the tenour follows:—At the Councill Chamber, Whitehall, the 16th day of June 1746, present the Lords of his Majestys Most Honourable Privy Councill, —Whereas a Petition hath been presented to His Majesty at this Board in name of the Governours of the City of Aberdeen appointed by his Royall Highness the Duke of Cumberland, setting furth, That Michaelmas last being the legall time for the annual elections of the magistracy and common councill of the said burgh, those who were in office at that time did proceed, on the usuall days, to elect their successors: That in the

forenoon they did chuse a new council, and adjourned to the afternoon, intending then to meet, and chuse magistrates and other office-bearers out of the new councill, conformeable to the usual custom. But about mid-day the rebells entered the town, laid violent hands on the provost and others of the magistrates, maletreated them, and obliged the provost to fly from the town, and thereby put a stop to any further proceedure in the election : that during this wicked and unnaturall rebellion a few members of the old and new councill have not behaved with that zeal and affection to his Majestys person and government as became dutifull and loyall subjects, that when the election in said burgh was obstructed by the rebellion in 1715, his late Majesty did in Councill grant a warrant for the provost and four baillies of the former year to make elections of a magistracy and councill after the rebells were dispossessed. The petitioners therefore pray that his Majesty would be pleased to order the last provost and four baillies (who are all well affected) to proceed to the election of a new magistracy and common council. And whereas his Majestys Attorney-General, the Lord Advocate of Scotland and his Majestys Sollicitor-General, to whom his Majesty has thought proper to referr the said petition, have this day reported that they have considered the same, and upon enquiry find that the majority of the said petitioners were members of the councill for the last year, or of the new councill chosen at Michaelmas last, when the further proceedings to complete the election were interrupted by the rebells ; and the said Attorney-General, Lord Advocate, and Sollicitor-General, are of opinion that none of the persons who were intituled to elect magistrates and other office-bearers out of the new councill chosen at Michaelmas last, and who have since behaved themselves dutifully and loyally, should be excluded from taking part in what remains to be done for compleating such election ; and that as no evidence have been laid before them of the treason or misbehaviour of any member of the old councill or the new during this rebellion ; they are of opinion that in case any of them have rendered themselves obnoxious to the law by joining with, or by aiding or abetting the rebells, care should be taken to bring them to justice in due course of law : that the same persons who might have elected the magistrates and other office-bearers in the city of Aberdeen at Michaelmas last may, by order in councill, be authorised to proceed to make or complete such election now, on a day to be named in such order, in the same manner as

they might and ought to have done at Michaelmas last, had they not been prevented by such necessity as the power of the rebels at that time in those parts ; and, at the same time, the petitioners may be directed to exhibit particular informations against such members of the old and new councils (if there have been such) as have rendered themselves obnoxious to the law, by joining themselves with, or by aiding or abetting the rebels, to the end that by warrant of proper magistrates they may be apprehended and committed to custody in order to tryal: which report being this day taken into consideration, it is thereupon ordered in council that for restoring the peace and good government of the said burgh, the same persons who ought have elected the magistrates, councillors, and other office-bearers in the said burgh at Michaelmas, shall, and they are hereby authorized and required, on Wednesday the ninth day of July next, to proceed to make or compleat the election of magistrates, councillors, and other office-bearers to serve in the said burgh of Aberdeen from the ninth day of July aforesaid untill the ordinary time of the annuall change of the magistrates, councillors, and other office-bearers of the said burgh in the year 1746, in such manner as they might and ought to have done at Michaelmas last, if they had not been disturbed by the rebellion ; and that from thenceforward, the procedure in the election of magistrates, councillors, and other office-bearers be continued according to the constitution, setts, and customs of the said burgh. And it is hereby further ordered that the petitioners do exhibite particular informations against such members of the old or new council (if there have been such) as have rendred themselves obnoxious to the law by joining with, or by aiding or abetting the rebels, to the end that by warrant, of proper magistrates they may be apprehended and committed to custody in order to tryal ; of which all persons concerned are to take notice and pay due obedience hereto.

9th July, 1746.

*Act of the double Council for renewing the Duke of Cumberland's
burgess ticket in a gold box.*

The said day, the double council taking to their serious consideration, that in the beginning of March last, the late magistrates waited on his

Royal Highness the Duke of Cumberland and presented him with the freedom of the city, which he was most graciously pleased to accept off; at sametime, they acquainted him that how soon a legall magistracy was restored, they would take an opportunity of renewing the said freedom in the most ample and genteel manner they could devise; which procedure of the late Magistrates being considered by the said double councill, they highly approved thereof, and unanimously agreed that immediately there should be another ticket made out for his Royal Highness in name and by order of the double councill, and that the same should be presented to his Royal Highness in a gold box of the best fashion; and recommends to the magistrates to cause make the said gold box, and extend the ticket in the genteelest form; and when the same is ready, that the provost, with any of the magistrates, do present the same to his Royal Highness the Duke (if in Scotland); and appoints the dean of gild to pay out the whole expences, whereanent thir presents shall be warrant for the haill premises.

12th July, 1746.

*Act for stenting the inhabitants yearly for repaying the levy money,
laid before a head court and approved.*

The said day, the magistrates and councill forsaied, taking to their consideration that during the time of the late unnatural rebellion, a demand was made upon the town by the rebels for levy money, and most of the inhabitants having met on that emergent, in order to preserve their persons from military execution, and their houses and effects from being pillaged, burnt, and destroyed, which was threatened in the most rigorous manner, they consented to pay one thousand pounds sterling money, and that the same should be uplifted from any persons that were debtors to the town; and failing thereof, that money should be borrowed for making up the same, to be repaid by any of the office-bearers that the first legal council should appoint; and for reimbursing of the forsaied sum, agreed that they should be taxed for the interest of the said one thousand pounds sterling during the not payment, and one hundred pound sterling annually of the capitall untill the whole should be extinguished, and this to be proportioned upon the heritors of lands and

fishings and possessors of houses, conform to the rents of the respective subjects, and that this tax should commence along with the towns publick taxation or subsidy, whenever the same should be legally imposed, and to be annually levied therewith untill the whole debt should be extinguished, and appointed a committee of their number to transact the whole affair, who, having uplifted what they could of the towns publick funds, and borrowed the remainder from private persons, they did pay the said sum of one thousand pound sterling to William Moir of Loanmay, who granted receipt therefor. And the council considering that the said money was extorted from the town in order to save the same from being burnt and destroyed, and to prevent the severest military execution against the inhabitants, their persons and effects, they did grant warrand to and appointed Thomas Fraser, thesaurer, to make payment or give security to such of the office-bearers or other persons from whom the money was borrowed, and to discharge such as were due money to the town, who paid the same to the said committee for making up the forsaid sum of one thousand pound sterling money. And appoints the taxers who are named to proportion the subsidy, to stent the inhabitants for a years annual rent of the forsaid capitall sum, and for one hundred pound sterling as the first moiety and years payment thereof, in terms and conform to the consent given by the inhabitants thereto in manner above mentioned, to be paid to the treasurer of Aberdeen or his successors in office against Candlemass next. And in respect the councill are informed that some of the bills delivered Loanmay for the said sum are not accepted nor paid, therefore recommends to the magistrates and thesaurer to prevent the payment of the same as far as in their power, in order to save the inhabitants from being taxed for such part of the said principall sum as may be recovered from the drawers of the bills; and likeways recommends to them to use all proper means for recovering all or any part of the said sum out of the estates of those who were concerned in extorting the same; with this condition, that if any part of the said extorted money shall be saved or be recovered, whereby the annual rent of the capitall will not extend to fifty pound sterling for the first year, then and in that case its declared whatever excrescence shall happen to be upon the said fifty pound sterling, the same shall be imputed and ascribed for reducing the capitall sum *pro tanto*: And appoints the whole town to be conveyened upon Saturday

the nineteenth instant, to give their consent and approbation for being taxed and stented for the said sum of one thousand pound sterling and annual-rents thereof, in terms of the forsaid agreement, or so much thereof as shall not be recovered in manner above mentioned.

12th July, 1746.

Act for deleting the names of the persons made burghers by the rebels out of the book.

The said day, the magistrates and council forsaid appoints the names of those who were made burghers of this town by the rebels to be delete out of the burgess book, and declare their Burgher Acts to be void and null.

Eodem die.

Approving the burgher acts of the late government.

The said day, the magistrates and council forsaid ratify and approve of the Burgher Acts granted by the late magistrates, and the governors of the town appointed by his Royal Highness the Duke of Cumberland.

B.—MINUTES OF MEETINGS OF THE INHABITANTS.

AT ABERDEEN the Twenty seventh day of December one thousand seven hundred and fourty five years, The following Burghers having met within the laigh Tolbooth, vizt. :—

James Burnet Compy	Alexander Dyce
Baillie Davidson	John Mackenzie
Alexander Copland	Peter Cushnie
George Shand	James Dyce, Junior
George Skene of Rubislaw	Charles Copland, Junior
Walter Fleming	Alexander Smith
John Elphinstone	William Simpson
Andrew Garrioch	Provost Aberdeen
William Brebner	Baillie John Strachan
Peter Turnbull	William Arthur Wright
Patrick Anderson, Bourtie	James Black, Junior
David Cuthbert of Rosehall	John Fraser, Senior
Doctor James Gordon	Kenneth Sutherland
Provost John Robertson	Baillie Forbes
John Burnet, Elrick	William Mackenzie
Alexander Thomson, Advocate	William Gray
Baillie Mowat	James Dyce, Disblair
James Thomson of Portlethen	Baillie Leslie
Alexander Osborn	George Duguid
William Johnston, Pewterer	George Gordon Junior
Doctor James Forbes	William Copland
George Forbes, Junior	Gilbert Anderson
Andrew Thomson, Advocate	George Christie
James Abernethy	Alexander Bannerman
William Strachan Senr.	William Walker, Litster
George Garrioch	George Cooper, goldsmith
James Gordon, Banchory	William Duncan, Artrochy
John Burnet, Dalludies	Conveener Crystall
Baillie James Strachan	Conveener Barron
Alexander Gray	

The said day it was Represented by Robert Thomson, Town Clerk, That upon the twelfth instant, there was orders issued under the hand and seal of Lord Lewis Gordon, and were publickly proclaimed over the public Cross of Aberdeen, Setting furth, That it was highly reasonable that the City of Aberdeen, should furnish and rigg out a number of able bodyed men sufficiently cloathed and armed, answerable and effeiring to the Land tax, imposed upon the said Town, in proportion to that of the County of Aberdeen, and strictly requiring and commanding James Morison, Provost, and the other Councillors elected at Michaelmas last, and the haill other burgesses and inhabitants of the said City of Aberdeen to furnish and Outrigg the forsaid number of able bodyed men, and to deliver the same to James Moir of Stonywood, and that within the Town of Aberdeen, betwixt and the Eighteenth day of December instant, or otherways to satisfie and pay to William Moir of Lonmay or any other person to be appointed by the said Lord Lewis Gordon, or him the said William Moir, the sum of Five pound Sterling in Lieu and place of each of the forsaid number of men, which should happen not to be delivered over, and that betwixt and the above Day, under the pain of Military Execution, to be directed against them in case of Failzure And for Expediting the foresaid Levies or payment of the sums in Liew thereof, Commanding the said Councillors and other Burghars and Inhabitants ffurthwith, to meet within the Laigh Tolbooth of Aberdeen, and Stent and Proportion the above Levys and Sums of money among themselves as they should find just and reasonable, And the said Robert Thomson, Town Clerk, also Represented That yesterday the forsaid William Moir Called upon him and Intimate that if the said Levy money was not directly paid, that Military Execution would be immediately Execute, and told him that he had intimate the same to several Burghers, And the above meeting taking into Consideration the forsaid Representation, and the repeated demand of Lord Lewis Gordon and Loanmay of a Sum, in name of Levie money, from the Town of Aberdeen, In proportion to the Levie money demanded from the Shire, which is Five Pound Sterling for each hundred pound of valued rent, Bearing the same proportion that the Town pays of Cess with the Shire, and that under the pain of Military Execution, which is immediately threatned against the Inhabitants upon their persons and effects, and the meeting likeways Considering that there are Eighteen hundred or Two

Thousand armed men in and about the Town, ready to inforce the Demand by Military Execution ; They are therefore of Opinion that a Committee should be appointed to represent this great Hardship to Loanmay, and to Converse with him fully on the Subject, and to Report to a general Meeting of the Burghers and Inhabitants to be Called by the Committee for that purpose, And the Meeting named the following Persons as a Committee :—

Provost John Robertson	David Cuthbert
Provost Aberdeen	William Duncan
Baillie John Burnett	Alexander Bannerman
Conveener Christall	Baillie John Strachan
John Burnet	James Dyce of Disblair
Baillie Mowat	Conveener Barron

And the Meeting Recommended to the above Committee to met furth- with with Loanmay, and they having accordingly met and communed with him, he told them that the Demand made in name of Levy money was to be in the same Proportion with the County, That is to Say That as each hundred pound valued rent in the County was to pay at the rate of Five Pound Sterling of Levy money ; So as the proportion of the County Cess was to the Towns Cess, the Town was to pay Levy money in that proportion, and Desired the Committee might Calculate the Amount thereof, and afterwards To make Offer of a liquid Sum to him, and he should use his Endeavours to have the same made as easy as possible, which communing being considered by the Committee They Found it absolutely necessary that the General meeting of the whole, Burghars, Heritors, Tradesmen, and other Inhabitants of the Town of Aberdeen and freedom thereof, should be Called to Consider of the premises, and for that end Appointed the Clerk to draw out an Adver- tisement for Calling the said Inhabitants to meet within the Laigh Tolbooth of Aberdeen to-morrow by 12 o'clock, And Appointed the said Advertisement to be publickly Intimate by Tuck of Drum thro' the whole Streets of the Town this afternoon, and to-morrow morning In order to Certiorate the Inhabitants of the forsaid Meeting.



LORD LEWIS GORDON.

FOLLOWS a Copy of the forsaid Orders issued out by the said Lord Lewis Gordon of the date the said Twelveth day of December Instant.

By the Right Honourable Lord Lewis Gordon, Lord Lieutenant of the County, &c., Governour of the City of Aberdeen,

Whereas upon the Sixth day of December instant, William Moir of Loanmay Esquire, our Deputy Governour of the Town of Aberdeen, Did in prosecution of his office, and the service of His Royal Highness Charles, Prince of Wales, Regent of Scotland, &c^{as}, Issue an Order, and in virtue thereof, caused serve Provost James Morison and the other Persons in all Nineteen, who were Elected at Michelmas last Councillors of the said City of Aberdeen, To make payment to us or to the said William Moir himself, for the service of his said Royal Highness, Betwixt and the Twelveth of December instant, being this day, Of the sum of Two Thousand Eight hundred fourty seven Pound sixteen shilling, Being the Amount of his Majestys Subsidy free of all Charges of Management &c^{as}. Payable out of the Town of Aberdeen from Martimas 1744 To Martimas last past 1745, As Appeared from the Taxation Book, Conform to the said Order Summonses given by virtue thereof and Executions of the same shown to us, And that under the pain of Military Execution, to be directed against their Persons and Effects, In case of Disobedience, And Whereas The said Provost James Morison and others of the said Councillors, after being served with the said Summonses, made frequent Applications to the said William Moir by themselves personally and others in their name, and offered and laid before him some Arguments Representing that it would be an hardship upon them in their present Situation to procure payment of the forsaid Sum, But at the same time assuring the said William Moir, That as the Sum demanded was the Subsidy due by the Inhabitants to the Town from Martinmas 1744 to Martinmas 1745, The Severall Persons lyable in payment thereof, as stented by the said Taxation book would readily pay in their several proportions thereof, To Alexander Dirom who ingathered and Collected what remained due of the Subsidy of the preceeding year, And therefore begged of the said William Moir to take the same Course in uplifting the Subsidy now demanded, and to make

Intimation thro' the Town for that purpose, which they were convinced would prove effectually without any trouble, All which the said William Moir in conformity to the Answer made by him to them, Has fully Represented and laid before us, Therefore We, inclining to make experiment of the method so proposed by the said Provost James Morison and others for their ease and relieff But without any revocation or Alteration of the forsaid Order, and Summons issued by the said William Moir, in case the forsaid Method shall prove ineffectually, or shall happen to be attended with any trouble or difficulty or the service and Intrest of his said Royal Highness in the least delayed. Require and Command the haill persons lyable in payment of the said Subsidy, furthwith, To make payment of their severall Quotas and Proportions, thereof from Martimass 1744 to Martimas 1745, conform to the payments made by them from Martimas 1743 To Martimas 1744 To the said William Moir, or to the said Alexander Dirom Collector, appointed by him, and that betwixt and the Eighteenth day of December instant With Certification if the forsaid whole sum presently demanded shall not be paid as above, The said Provost James Morison and the other Councillors Summon'd to pay the same, shall be immediately thereafter lyable and Answerable for all or Such part thereof, as shall be deficient, and remain unpaid, And Military Execution shall be directed against their persons and effects for making the same Effectually in case of their refusal to comply, Moreover Whereas pursuant to the Powers vested in us for the service of his said Royal Highness, We have made Demands upon the whole Landed Gentlemen and Intrest in the County of Aberdeen, to furnish and rigg out an able bodyed man sufficiently cloathed and armed for each hundred Pound of their valued rent, which they are presently setting about, in terms of, and under the Certification in the said Demand, And Whereas It is highly reasonable that the City of Aberdeen should furnish and Rigg out a number of able Bodyed men, so cloathed and armed, and answerable and effeing to the Land tax imposed upon the said Town in proportion to that of the County Therefore We strictly require and Command the said Provost James Morison and the other Counsellors Elected at Michelmas last, and the haill other Burghers and Inhabitants of the said City of Aberdeen, To furnish and Outrigg the forsaid number of able bodyed men, and to deliver the same over to James Moir of Stonywood and that within the

Town of Aberdeen, Betwixt and the Eighteenth Day of December instant, Or Otherwise To satisfy and pay to the said William Moir, or any other person to be appointed by us or him, the sum of Five pound Sterling in lieu and place of each of the forsaid number of Men, which shall happen not to be delivered over, and that betwixt and the above day, Under the pain of Military Execution to be directed against them, in case of failzure, And for expediting the forsaid Levies or payment of the sums in lieu thereof, We hereby authorize and Command the said Councillors and other Burghers and Inhabitants furthwith to meet within the Laigh Tolbooth of Aberdeen, and stent and proportion the above Levys and sums of Money among themselves, as they shall find just and reasonable, And That none may pretend ignorance of the premises or any part thereof, We appoint these presents to be read and published by Tuck of Drum, thro' the City of Aberdeen, at the usual places, and a Copy hereof to be affixed upon the Mercat Cross of Aberdeen to be made patent and known to all Concerned. Given Under our hand and Seal at Aberdeen The Twelveth Day of December 1745.

At Aberdeen the Twenty eighth day of December one thousand seven hundred and fourty five years, Within the laigh Tolbooth, At a meeting of the Burghers, Tradesmen, and Householders who were warned to Conveen both by Tuck of Drum, and likewise by the Quarter Officers at their rex'ive houses, To meet and conveen place forsaid at twelve o'clock midday.

The said day It was moved in the Meeting to know how far the Inhabitants were not immediately under a necessity of complying some way or other with the Demand anent the Levy money, Considering the number of armed Men in and about this Town, and that military Execution is threatned in case of Non Complyanee; Which Motion being Considered by the Meeting, They unanimously agreed that there was a necessity at this present Juncture (for the preservation of their persons and effects), and that they ought to deliberate and Resolve some proper Method, for satisfying the forsaid Demand; And for the more Effectuall Executing this affair, The Meeting Judges the most Expeditious Way will be by a Committee, to be chose by them, to meet and Commune fully with Loanmay and agree for such a Sum as they best Can, and In Order to impower them so to do, That Commissions be drawn up for the

four Quarters of the Town to be signed by the Inhabitants, Impowering the Committee to transact and agree the same in the best terms they can, Thereafter The Meeting forsaied nominate and Commissioned the following persons as a Committee for executing the forsaied trust, in name and for the behalf of the whole Inhabitants, Conform to the Commission signed by the Inhabitants in their Favours, for that effect, Copy whereof on the 12 and 13 Pages following.

Provost John Robertson, Rubislaw	William Johnston
Baillie Mowat	John Elphinstone
Alexander Bannerman	Alexander Thomson Ad :
John Burnet Dalludies	Conveener Barron
Baillie John Strachan	Peter Turnbull
Baillie John Burnet	Doctor Rose
David Cuthbert	William Simpson
James Dyce Disblair	Baillie Leslie
William Strachan	Conveener Crystall
Provost Aberdeen	Conveener Sime
Provost Alexander Robertson	George Cooper

And Recommends to the forsaied Committee to Suggest all Methods occurring to them for having the Demand made as easy as possible, And also to Endeavour to get as long time for payment of the Sum shall be agreed on as can be got, and howsoon the Committee Adjusts the sum, and Term of Payment with Loanmay, Recommends to them to devise the most proper method for payment thereof, And then to call this general Meeting again in order to Report the Sum agreed, the Term of Payment and the Method that they shall Devise for Levying and paying the same, In order to have their Approbation as to the method for levying, And Recommends Commissions to be Extended by Mr. Thomson, Advocate, and the Clerk to be signed by the Inhabitants for the above Purposes, And appoints the Clerk to Call the Committee after the Commissions are Signed, and the Clerks to Attend all the Meetings of the Committee And that the Clerk do sign this Minute and all the procedure.

(Signed) ROBERT THOMSON Cls.

At Aberdeen the thirty first day of December one thousand seven hundred and fourty five years.

The Committee deputed by the General meeting of the whole Inhabitants on the twenty eight instant, having all this day met at the

Royal Coffee house Except Provost Aberdein, And having fully reasoned what was a proper Sum to be offered to Loanmay in name of Levy money, They unanimously agreed That five hundred Pound Sterling should be offered, And deputed Baillie Burnet, John Burnet, Baillie Mowat, and David Cuthbert with the Clerk as a Sub-Committee to wait upon Loanmay and make the said offer, and use all the Arguments they can devise, to Satisfy him, that this Sum is equivalent to the Demands upon the County or upon any Town in Scotland, And the Sub-Committee having waited upon Loanmay and used a great many Arguments with him, he told them, that he had peremptor Orders to Demand One thousand pound Sterling as the Minimum, the one half whereof, he wanted immediately, and an obligation for the other Payable at Candlemas next, and that the Committee or the Town may Devise what Method they please for Levying the same, but that if this was not instantly complied with, they might expect Military Execution, And the Sub-Committee having reported their Communing with Loanmay and his Demand, The Committee Agreed there was a Necessity to provide the said Sum, and recommended to the said Sub-Committee with Alexander Thomson to meet this Afternoon in order to devise a Method for paying the forsaid demand and the whole Committee to meet again at six o'clock, and the said Sub-Committee having met and Considered the Towns Funds, They find that the publick Tacks, the money the Town has at Edinburgh, and what is due by George Garrioch, Appear to them to be the readiest and only Funds that can be applyed for Satisfying the forsaid Demand, in the first Instance, And for Repaying thereof, They humbly Suggest to the Committee that the general Meeting should become bound to be taxed for the Interest of the Stock, and one hundred pound Sterling annually of the Capitall Untill the whole is Extinguished, and this to be proportioned on the Heretors of Lands fishings and Possessors of Houses, Conform to their Rents of the respective Subjects, To Commence with the first years Taxation, along with the Subsidy, which Appears to be the Easiest and most equitable Method for paying the Demand, and extinguishing the same afterwards, And which Method for Extinguishing the forsaid Debt, will even the first year, not Exceed Two pound Scots for every hundred pound scots rent, and will diminish annually, Its proposed that at least a number of Sixty of the Principall Inhabitants should be deputed by the General

Meeting to-morrow, with powers to Uplift the forsaid Funds, or to borrow money for Satisfying the forsaid Demand To be repayed in manner before proposed, and that the General meeting should agree that new Powers by the Inhabitants should be signed Enabling the Committee to be named to execute the premises, All which being considered by the Committee, They agree to the Overtures proposed by the Sub-Committee, In respect they see it was impracticable to have raised all or any considerable part of the Sum demanded without the Utmost distress, to many of the Individuals, and the Committee Appoints the whole Inhabitants to Conveen within the Laigh Tolbooth, the morrow at 12 o'clock, and to be warned by the Drum ;—The Committee had also under their Consideration the Clamant and distressed Condition of the Poor that are Settled on the Towns Funds, they agreed that their Case ought to be laid before the general Meeting, and that they would Impower a Committee to uplift the different Funds out of which they are usually paid, and if that cannot be effectual, to Impower them to borrow money and pay off the Widows and Orphans as they stand placed on the last office-bearers books.

At Aberdeen the first day of January one thousand seven hundred and fourty six years.

At a General Meeting of the Inhabitants Conveened by Tuck of Drum by order of the Committee formerly named The Report of the said Committee was read publickly in the meeting and unanimously approven off and the Meeting nominate and commission the following Persons viz^t.

Provost John Robertson	John Burnet Dalludies
Provost Alexander Robertson	George Skene of Rubislaw
Provost Aberdein	David Cuthbert
Conveener Barron	James Dyce Senior
Conveener Sim	William Strachan Sen ^r .
George Cooper Gold Smith	John Elphingston
Baillie John Strachan	William Simpson
Baillie Mowat	Peter Turnbull
Baillie Burnet	Doctor Rose Physician
Baillie Leslie	Alex ^r . Thomson Advocate
Alexander Bannerman	Conveener Crystall

James Abernethy	William Middleton
Alex ^r . Smith	James Gordon Banchory
George Mowat Junior	John Durward
Provost Chalmers	John Mair
William Brebner	John Mackenzie
John Fraser Senior	George Garrioch
Alexander Osborn	James Burnet
Mr. Rich ^d . Gordon	Baillie Middleton
Thomas Mosman	John Leslie
James and Andrew Thomsons	John Abercrombie
Dr. Forbes	William Mackenzie
William Johnston Pewterer	James Black Junior
Baillie Gordon	George Shand
Baillie Davidson	William Copland
Baillie James Strachan	George Turner
Baillie Nicol	John Taylor
Baillie Mitchel	Dr. Gordon
Alexander Copland	William Walker Litster
George Gordon Junior	

As a Committee for and in name of the whole Inhabitants for uplifting of the Towns Funds and in deficiency thereof for borrowing money In order to Satisfy the Demand made on the Town in name of Levy money, And for paying likewise of the Widows and Orphans and Towns Servants, as they stand settled in the last office bearers books, And Appointed proper powers and Commissions to be instantly extended and signed by the whole Inhabitants Authorizing the said Committee to Execute the Premises And which powers were accordingly extended and signed and whereof the Tenor follows. As also Follows the Tenour of the Commission granted and signed by the whole Inhabitants to their Commissioners therein named, Impowering them to meet and Commune with Loanmay and agree for such a Sum in name of Levy money, as they best could, Referred to in the 8th page hereof, and is Thus, We the Burghers, Heretors, Tradesmen, and other Inhabitants of the Town and freedom of Aberdeen, subscribing Taking to our Consideration, That at a general meeting of the Inhabitants Met within the Laigh Tolbooth of this Burgh, upon the twenty eighth of December instant, They unanimously Agreed that there was a Necessity at this present Juncture, (for

Consideration, That at a General Meeting of the Inhabitants Met within the laigh Tolbooth of Aberdeen upon the Twenty eighth Day of December last by past, It was there unanimously Resolved That full Powers should be given to a Committee then named for to treat and agree with Mr. Moir of Loanmay for a sum of money to be paid in name of the Levy money Demanded from the Town of Aberdeen, And the said Powers being duly signed by us and the Committee in consequence thereof having met and treated with Loanmay They found that he insisted for One Thousand Pound Sterling as the Minimum ; And therefore to prevent Military Execution which was immediatly threatened, agreed to pay the sum of One Thousand Pound Sterling in name of the forsaid Demand, The one half thereof to be immediatly paid, and the other half, Security to be given therefore payable at Candlemas next, And also the forsaid Committee, in Virtue of the Powers committed by us to them, had Deliberate upon and devised a method for levying the forsaid sum and for repayment thereof, which was that the said money should be uplifted from any Persons that are Debtors to the Town of Aberdeen, which falling, to be borrowed, bearing annual rent from the time of advancing the same, and to be repayd by any of the Office Bearers, that the first Legall Town Council shall appoint ; And for Reimbursement of them that shall pay the forsaid sum, That Wee should all become bound to be taxed for the Interest of the said one Thousand Pound Sterling and one hundred pound sterling of the Capital Until the whole is Extinguished, and this to be proportioned on the Heretors of lands and fishings and Possessors of Houses, Conform to the rents of the respective Subjects, And this Tax to commence along with the Towns publick Taxation or Subsidy, whenever the same shall be legally imposed and to be annually levyed therewith, untill the forsaid Debt is Extinguished. All which being reported by the said Committee to a general Meeting of the Inhabitants met within the laigh Tolbooth upon the first day of January Jajvij & and fourty six years, The meeting unanimously agreed to, and Homologate what the Committee had done and the method devised by them for Levying the forsaid sum, and for payment and replacing thereof, And Did of new Commissionate and Appoint Provost John Robertson, Provost Alexander Robertson, Provost Aberdein, Baillie John Strachan, Baillie Mowat, Baillie Burnet, Baillie Leslie, Alexander Bannerman, John Burnett, Dalludies, George Skene of

Rubislaw, David Cuthbert, James Dyce, Senior, William Strachan, Senior, John Elphingston, William Simpson, and Patrick Turnbull, all merchants in Aberdeen, Doctor Alexander Rose, Physician, Alexander Thomson, Advocate, Conveener Crystall, Conveener Barron, Conveener Sim, George Cooper, Gold Smith, William Johnston, Pewterer, Baillie Gordon, Ballie Davidson, Baillie James Strachan, Baillie Nicol, Baillie Mitchel, Alexander Copland, George Gordon, Junior, William Midleton, James Gordon, Banchory, John Durward, John Mair, John Mackenzie, George Garrioch, James Burnet, Baillie Midleton, James Abernethy, Alexander Smith, John Leslie, George Mowat, Junior, John Abercrombie, Provost Chalmers, William Mackenzie, William Brebner, James Black, Junior, John Fraser, Senior, George Shand, Alexander Osborn, William Copland, All merchants in Aberdeen. Mr. Richard Gordon, George Turner, Thomas Mosman, John Taylor, James and Andrew Thomsons, all Advocates in Aberdeen, Doctor Gordon and Doctor Forbes, Physicians in Aberdeen, and William Walker, Litster there, as a Committee for uplifting the forsaid money or borrowing the same to be applyed for the ends above mentioned, and appointed new powers to be signed by us for that effect. Therefore Witt ye us the said Burghers, Heretors, Tradesmen and others Inhabitants of the said Town and freedom to have Commissioned and appointed and We by thir presents Commission and appoint the fornamed persons or the majority of them and with Powers to the said major part to Sub-committ themselves or any number of them as our Commissioners and Trustees for us and in name and behalf of the Town and freedom of Aberdeen To Uplift any of the Towns publick ffunds or any money from any person that may be due to the Town, and which failing to borrow money upon the Town's Credit for payment of the forsaid sum of one thousand Pound Sterling to be paid in manner forsaid and to procure proper Acquittances therefore ; And we hereby bind and oblige ourselves our heirs and Successors whatsoever To Ratify, homologate and approve whatever the said Committee, or any majority of them, or any number of them sub-committed by themselves shall do anent the premises And also hereby Bind and oblige us and our forsaid each of us for our own parts, To Repay the forsaid money by a Taxation in manner before rehearsed. And we Subject ourselves and our forsaid to be stented in the above terms and shall warrand, Acquitt and defend our said Constituents as Acting for us and in name and behalf of themselves and of the Town

and freedom of Aberdeen at all hands; Moreover the said General Meeting on the said first of January instant Taking under their serious Consideration the Clamant and distressed Case of the Power [Poor] settled on the Towns publick funds who ought to have been paid at this last Term had there been Office Bearers duly elected and Acting, and that it was most just and reasonable that the said poor ought to be cared for in this straitning Season. Therefore the General Meeting Unanimously agreed that the aforesaid Committee or the majority of them or any of their number sub-committed by themselves Should be Impowered to Uplift the Poores Funds and in Deficiencie thereof to borrow money and to pay the Widows and Orphans and Towns Servants as they stand settled on the last Office Bearers books And therefore We do Commissionate the said Committee or majority of them or any number of them sub-committed by themselves to Uplift the said Funds or borrow money for the ends aforesaid. And Wee Bind and oblige us and our forsaid To Ratify whatever they or any of their number sub-committed by themselves shall do anent the Premises. In witnes whereof these presents (written upon this sheet of stamped paper by Robert Milne, Writer in Aberdeen,) are Subscribed by us below and on the back hereof At Aberdeen the
Days of January one thousand seven hundred and
fourty six years Before these witnesses.

Both the forgoing Commissions are signed by the following Persons, Inhabitants of the Burgh and freedom of Aberdeen (sic subscriptur):—

Alexr. Aberdein	James Leiper
Wm. Aberdein	John Frenchfor
George Skene	George Fordyce of Broadford
William Mowat	James Mestine
George Forbes	Jo: Fraser
Walter Fleming	John Durward
William Green	Peter Chalmers
John Strachan	John Middleton
Alexr. Pirie	Francis Laflesh
John Mestin	John Duncan
Wm. Mackenzie	George Robertson
Geo. Cooper	George Catanach
Walter Leith	Alxr. Shinnie

James Dun	William Melvyl
Peter Reid	William Clark
Alexr. Moleson	James Paull
James Glass	Robert Still
James Shand	William Walker
William Booth	Alexr. Forbes
Patrick Kilgour	James Gordon
William Henry	William Forbes
Alexander Rose	William Strachan
John Burnet	Rich : Gordone
Al : Thomson	William Gray
Alexandr Robertson	George Gordon Youst
Peter Turnbull	Ja : Abernethy
And : Gerard	James Hector
John Watson	John Ross
Robert Duncan	William Aiken
James Forbes	William Aiken
The : Fraser	Georg Smith
Robert Melvin	Alexr. Drysdale
Charles Forbes	Wil. Murray
John Christall	John Abercrombie
John Duckison	James Strachan
Ro G.	Christan Ogston
John Glnny	Janet Skene
John Grigg for my Father	Helen Green
Will : Shepherd	Alexr. Westland
William Duncan	Alexandr Henderson
William Arthour	Alexr. Osborn
Andrew Walker	John Forbes
James Lauson	Francis Douglass
Alexr. W. A. Walker's mark	Charles Copland Jr
James Stronach	James Thom
Alexr. Stewart	William Gordon
George Leslie	John Thom
William Thomson	William Cruikshank
Geo : Wilson Junr	William Martin
William Cruickshank Jr	Alexander Tough

Norrie	Peter & Alexander Cushnies
Robert Calder	George Keith
Patrick Anderson	James Dyce
Alexr. Anderson	Robert Joyner
Wa : Temple	David Moncrief
John Sligo Junr	William Baird
James Croll	Alexr. Chalmers for my father
James Brown	Alexr. Osborn for my father
John Laing	Charles Copland
James Smith	James Michie for my father
Hugh Mackie	Agnes Fowler
Jean Byers	Jannet Gordon
William Ross for self & moyr	John Bowlls
Jerom Cobban	Dar : Verner
Andrew Walker Senr	Robert Herb ^d
John Melen	Will : Middleton
Ro : Durward	Alexr. Watson
John Falconer	Jo. Gordon
James Abercrombie	Ja : Udney
Patrick Barron	Will : Smith
James Thomson	Alexr. Forbes
Robert Chalmers for self & —	William Christie
Will : Murdoch	James Sangster
Thomas & Francis Leyes	J. Fitzgerald
Daniel Cargill	William Sumner
Will : Forbes	John Sim
John Menzies Senr	George
John Lumsden	Roderick Forbes
Jo. Fraser	John Sligo
John Gordon	Ro ^t . Smith
James Strachan Senr	Geo : Still
James Robertson	John French for myself & Mr.
James Knowes	David Blenchill & whole
Alexander Thomson	heritage
John You'll	William Walker
Al : Sincklair	Patrick Hervie
George Melvin	Francis Mollyson

John Mackenzie	Alexr. Milne Jun ^r for Willm.
James Cruikshank Jun ^r	Miln & self
Andrew Thomson for Premnay's proportion and Lady Braco's	John Mearns
George Rose	Alexr. Gray
John Morrice	Wm. Douglass
John Clerk	John Lunan
And ^w . Moir	George Forbes Jun ^r
John Elphinston	Rob ^t . Stevenson
Tho : Fraser	John Rickart
John Sherriff	Daniel Farq ^r son
Adam Baxter	James Allardyce
James I. Y. Young his mark	Walter Rose
Alexr. Johnston	Alexr. Tait
James Sim Sen ^r	John Taylor
John Freeman	John Bartlet
Willm. Leslie	William Hall
James Dyce Jun ^r	Gilbert Duff
George Donaldson	David Cuthbert
Alexr. Kelly	Robert Thomson
Alexr. Mackenzie	Walter Cochran
William Johnston	Andrew Garioch
Thomas Irvine	George Garioch
Alexr. Copland	Geo : Burnett
Andrew Thomas	James Irvines
George Mouatt for self and father	Katharin Donaldson
Geo : Shand	A. Findlater
James Deans	And : Turner
Alexr. Mitchell Jun ^r	John French for the heirs of Pro: Fordyce & George Fordyce
Thomas Gordon	William Forbes
Patrick Souper	Robert Mitchell
Dav : Speediman	Al : Burnett
John Taylor	John Strachan
Thomas Mosman	John Tower
James Adams	Alexr. Sscott
William Johnston	William Troup
	Robt : Farquhar

John Duncan for Father	John Walker
George Bean	Alexander Hector
William Logan	John Stronach
George Proctor	Georg Logan
Thomas Simpson	T. Blackwell
George Watson	William Leslie for the heirs of
Alexr. Proctor	Alexr. Tytler
Dam Scott	John Mason
Robert Tooip	John Murray
Christian C. W. Watson her mark	John Anderson
Marj : M. C. Cock her Mark	John Ritchie
Ja : Gordon	James Ligertwood
John Robertson	Alexander Minqig
Jas. Kynoch	John Elles
Isobel I. B. Barnet' mark	Andrew Baxter
John Forbes	John Elmslie for the Quakers
Daniel Hamilton	houses
Margaret Leslie	Alexr. Young
James Donaldson	George Gordon Junior
Andrew Howison	Will : Chalmers Junr
John Chalmers	Isobel Forbes
James Black Jur	Alexr. Christie
William Johnston	John Ross
Margaret Rolland	James Sherrieff
Isobel Anderson	William Menzies
Alexr. Medleton	George Bartlet
George G. M. Meldrum his mark	William W. P. Proctor his mark
Betie Robertson	Barbra Collison
John Traill	Wal : Nicoll
James Kingour	John Mair
Peter Showan	James Deason
Elizabeth Mckomie	John Smith
Agnes Burnett	Geo : McKay for the heirs of
Barbra Wight	John Cheyne
Alexr. McDonald	James Leitch for Robt. Leitch
George Simpson	James Birnie Junr
George Rainie Jur. for self & fayr	Andrew Sime

James Robertson	Will : Symson Junior for Self
Robert Christie	and Lands of Counteswells
William Ross for the heirs of	Robert Ross
William Ross	Alexr. Dyce
David Longlands	Alexr. Smith
Hugh Maghie for M ^{rs} . Maghie	Alexr. Dason
James Moir	Geo : Wright
Alexr. A. E. Ellies Boxmaster to	Gilbert More
the Gardeners	Wm. Copland
William Johnston	David Deuchar
Alexr. Dollas	John Leslie
James Legg	James Ferguson
Alexr. Leslie	James Young
Francis Skene	Alexr. Gordon
James Gellie	John Rigg
Robert Skinner	Geo : Shepherd
William Young	Wm. Cooper
Patrick Leslie	Wm. Davidson
Geo : Leslie	John Cooper
Alexr. McDonald	James Nicoll
William Bennett And for Mar-	Will : Baxter
garet McOmie	Tho : Watson for myself and
Alexr. Yeatts	Jean Wilson my aunt
Gilbert Robertson	John Clerk Manager for the
Thomas Spark	Lawyers Funds
John Milne	John Robertson
James Henry	John Elphinston for James Ogil-
Alexr. Scott & Wm. Scott Post	vie Coll ^r
James Taylor	James Lundey
William Gray for M ^{rs} . Hunter	William Argo
Tho : Glenie	William Lundin
George Finnie for my self my	John Farquhar
mother and nephew	George Ross
Abraham Thomson	James Smith
Wm. Cruden Sen ^r	Geo : Walker
Richd. Wallace	John Burnett
	William Moir

Wm. Kellie	Robert Nairn
Tho : Farquharson for myself and as	James Mackie
present Boxmaster to the	William Anderson
Sailors Box of Abdn.	George Moir
George Wilson	Will : Brown
Jean Brebner	Fra : Menzies
Peter Tolmie	James Alexander
Francis Massie	George Dirom
Gilbert Anderson	John Maitland
Elizabeth Chalmers	William Hay
Walter Leith	Robert Miemes
Patrick Findlay	Alexr. Gordon
Margaret Forbes	Walter Gordon
Patk. Sandilands	William Brebner
Mary Thomson	Margaret Shiney
Adam Duff	James Machraey
William Crystall	William Lundin
David Duncan	Will : Strachan
John I. M. Martin Your	John Lendrum
George Simpson	William Paterson
George Duguid	Thomas Wilson
Will.	Will : Smith
James Nivie	Ken : Sutherland
John Melven	James Smith
Al. Duncan Senior	Alexr. Thomson
John Dyce	James Walker
Fran : Rose	John Stewart
John Finnie	William Lamb
William Duncan	William Milne
John Anderson	Troup
James Anderson	John Thomson
Alexr. Bannerman	James Strachan Junr
James Burnett	William Stievenson
James Davidson	Geo : Main
George Davidson	George Duguid
William Malcom	James Thomson
Alexr. Duncan Jr	Patrick Mathewson

John Reid	Andrew Mathewson
John Tosh	John Lumsden
John French for heirs of Robt.	Tho. Nicoll
French	James Anderson
Patrick Findlay	James Young

Thereafter the forsaid Committee having met, they in virtue of the forsaid Powers Subcommitted to Baillie Mowat, Baillie Burnet, John Burnet, merchant, David Cuthbert, Alexander Thomson, Advocate, and Peter Turnbull, merchant, as a Subcommittee for enquiring into the Towns Funds, and to devise a proper Method for satisfying the first Five Hundred Pound Sterling, and appointed them to meet at the Royal Coffee House at four o'clock the forsaid day for that Effect, and the said Subcommittee having met time and place forsaid, and having deliberately revised and considered the Towns Funds, They found it impracticable to raise money out thereof for satisfying the first Five hundred Pound, which must be immediately paid, and therefore agreed that there was a necessity for borrowing the said sum, and that the Committee should become bound for repayment thereof, and having called upon James Gordon of Banchorie and George Garrioch, merchant, They agreed to give Bills upon Edin^r. for the forsaid sum upon their getting obligatory Missives from the Committee for repayment thereof, and the Subcommittee thought proper that the whole Committee should be called the morrow at twelve o'clock, To have place, forsaid, their Approbation anent the premises ;

At Aberdeen the second day of January one Thousand seven hundred and fourty six years, Twelve o'clock at Noon ;

The Committee having met and heard the report of the Subcommittee, They unanimously agreed thereto, and accepted of Bills from the said James Gordon and George Garrioch for the first Five hundred pounds, and subscribed Obligatory Letters to them, for repayment thereof, and also accepted, a Bill for the other Five hundred pounds, payable at Candlemass next, and of which Obligatory Letters and accepted Bill, the Tenour follows—

Letter by the Committee To the said James Gordon.

Aberdeen 2 January 1746.

Mr. James Gordon

Sir,

Whereas you have drawn Bills on Thomas and Adam Fairholms, merchants in Edinburgh, payable to William Moir for two hundred and forty Pounds Sterling ten days after date, and another Bill on George Chalmers, merchant in Leith, for sixty Pound Sterling, Payable to the said William Moir Ten Days after date, which are for answering the Exegencys of the Town of Aberdeen, According to the Powers given to us by the Inhabitants, Therefore, if the said Bills be paid, We oblige ourselves, Conjunctly and sēallie to grant a Conjunct Bond to you, for the sum of Three hundred Pound Sterling of Principall, Sixty pound Sterling of penalty, with @rent from this Date, payable at Whitsunday next, But if the said two Bills be returned you unpaid, Twenty days after this date, Then you are to Deliver us back this obligation to be cancelled,

We are

Sir

Directed
To Mr. George Gordon of Banchorie
Merchant in Aberdeen.

Your most hūll Servants

Letter to Mr. George Garrioch.

Aberdeen 2 January 1746.

Mr. George Garrioch

Sir,

Whereas you have drawn Bill on John Coutts, Merchant in Edinburgh, payable to William Moir for One hundred and twenty Pound Sterling, Ten days after date, and another Bill on George Chalmers, Merchant in Leith, for Eighty Pound Sterling, payable to the said William Moir ten days after date, which are for answering the Exegencys of the Town of Aberdeen, According to the Powers given

us by the Inhabitants. Therefore, If the said Bills be paid, We oblige ourselves Conjunctly and severally, that the said sums shall be allowed to you, in part of a greater Sum due by you pr your accepted Bill to John Abercrombie, late Treasurer of Aberdeen, But if the said two Bills be returned you unpaid Twenty Days after this date, Then you are to deliver us back this obligation to be Cancelled,

We are

Sir

Directed
To Mr. George Garrioch
Merchant In Aberdeen.

Your most humbl Serv^{ts}.

Thereafter the Committee, Considering that some of their Number are absent, and have not signed the said Letter, nor accepted the forsaid Bill, Therefore they Appoint the Clerk, to Extend a missive to be signed by the Absents, Homologating the Committees Procedure, and binding themselves equally as if they had signed the said Letters and accepted the forsaid Bill, (of which missive Tenour follows)—

Letter signed by the Absents.

January 3^d 1746.

Gentlemen

As we were of the number of the Committee that were named by a general meeting of the Inhabitants for uplifting any of the Towns funds or borrowing money in order to Satisfy the Demand made on the Town of Aberdeen, for levy money, & as some of us happened not to be in Town, when nominate upon the said Committee, an others of us obliged to go out of Town upon necessary and pressing business, and as you in our absence have taken the trouble to borrow of James Gordon of Banchory, and George Garrioch, the sum of Five hundred Pound Sterling, and have given your Obligatory Missives to them, for Repayment thereof, And That you have also accepted a Bill, Cont^{lie} and Sea^{lie} to William Moir of Loanmay for other Five hundred pound Sterling, payable the second of February next, as the last half of the Demand for Levy money; All which procedure of yours we hereby

homologate, Ratify and Approve off, And Do bind and oblige us contlie and Seallie with you, for payment of the forsaid Bill alike as if we had accepted the same, as also we hereby become bound with you to the said James Gordon of Banchory and George Garrioch for Repayment to them of the other Five hundred pounds, at least that the sum of Two hundred pound Sterling for which the said George Garrioch has drawn Bills, shall be allowed in part of a greater Sum due by him to John Abercrombie, late Theasurer of Aberdeen, In the same manner As if we had Signed the Obligatory Letters to them, and we Expect that you will Accept of this Letter as binding upon us alike, and in the same manner as if we had signed the Obligatory Letters and accepted the Bill before mentioned,

And we remain

Gentlemen

Your most humble Servants

(Signed) *Will: Symson Junior.*
 William Gordon Junr.
 James Leslie.
 John Midleton Junr.
 Will: Chalmers Senr.
 Alexr. Aberdein.

Directed
 To Provost John Robertson & the
 other Gentlemen of the Committee
 named by a general Meeting of the
 Inhabitants of Abdn. on the first
 of January instant for the raising
 or borrowing money to Satisfy the
 Demand made on the Town in
 name of Levy Money.

Thereafter The Committee added Provost John Robertson and James Dyce of Disblair to the Subcommittee, and appointed the Subcommittee to meet place forsaid to-morrow the 3rd January instant at five o'clock afternoon, to go thro' the whole Funds and To Consider of an Effectuall method for Repaying the forsaid money And also for paying the Poor that are settled on the Funds, and to Report to the whole Committee.

C.—MINUTES OF THE GOVERNORS APPOINTED BY THE DUKE OF
CUMBERLAND, 1746.

AT ABERDEEN, the Eight Day of Aprile, one thousand seven hundred and fourty six years, In presence of Provost James Morison, Provost William Cruikshank, Provost William Chalmers, Provost John Robertson, Provost Alexr. Robertson, Provost Alexr. Aberdein, Baillie William Gordon, Dean of Guild Andrew Logy, Alexr. Thomson, Advocat, and John Auldjo, Conveener of the Trades.

The which Day The following Commission was produced and read, whereof the Tenor Follows—

By Order of His Royal Highness the Duke of Cumberland, Captain General and Commander-in-Chief of all his Majesty's Forces, &c., &c., &c.

Whereas by reason of the disorders created in North Britain by the wicked and unnatural Rebellion still subsisting, the Town of Aberdeen was hindered from choosing their annual Magistrates within the time limited by the Laws, whereby they are left destitute of all order and form of Government, and as it is necessary that some proper persons should be appointed for the Orderly Government of the Town of Aberdeen, till provision can be made for that End in such regular and orderly course as hereafter may be appointed by His Majesty, and as having had a very good report of the Integrity, Loyalty, Fidelity and Capacity of Provost James Morison, Provost William Cruickshanks, Provost John Robertson, Provost William Chalmers, Provost Alexander Robertson, Provost Alexander Aberdein, Baillie William Mowat, Baillie William Gordon, Baillie John Burnet, Dean of Gild Andrew Logie, Alexander Thomson, Advocate, and John Auldjo, Conveener of the Trades, Do therefore hereby nominate and appoint the forenamed Persons to act as Magistrates of the Town of Aberdeen with the same full Power as if they had been duely chosen, and to Exercise the said Powers fully, till his Majesty's pleasure shall be known thereupon, And

we do hereby in his Majesty's name strictly require all manner of Persons to pay a due obedience to the saids Magistrates, and to be assisting to them towards the Discharge of their Functions for the maintaining peace and good order in the Town of Aberdeen and Liberties thereto belonging, recommending to the saids Magistrates, Unity and good Agreement amongst themselves, a steady attachment to, and support of his Majesty's Government against all Rebels and their Abettors And for the more sure support thereof to be Assistant on all occasions and to consult with as often as may be necessary The Officer commanding his Majesty's Forces left in the Town of Aberdeen for its Security and Defence. In Testimony whereof we have hereunto put our hand and affixed our seall and caused it to be countersigned by our Secretary At our Head Quarters in Aberdeen this Eight day of Aprile, 1746.

(Signed) WILLIAM.

By his Royal Highness's Command
EVERARD FAWKENER.

Which Commission being read was Accepted of by the Persons above-named, and Mr. David Bruce, Judge Advocat, qualified Provost James Morison to his Majesty King George, and likeways swore him to keep the Secrets of this Board. And Provost Morison qualified the other Governours and swore them to keep the Secrets of the Board. Walter Cochran, Town Clerk Deput, was sworn in the above terms, as was Roderick Mackulloch, Town Serjeand.

The said day Mr. Bruce, the Judge Advocat, gave in a List of prisoners in the Tolbooth of Aberdeen, signed by him, wherof the Tenor follows, viz^t.

List of prisoners in the Tolbooth of Aberdeen.

John Strachan	Janet Auld
John Roy Grant	Thomas M ^c donald, Mess
Charles Ramsay, Jun ^r	George Scott, Town Clerk of Inrury
James Nivie, Merch ^t	Alexr. M ^c donald, Merch ^t
John Cruickshank	Charles Ramsay, Sen ^r
Betty Smith	Wm. Wishart
Robert Reid	David Ogilvie
William Reid	Wm. Coutts, Boatman

The above sixteen persons are left in the Tolbooth of Aberdeen to the care of the Magistrats thereof till his Royal Highness further Orders exerpiting Betty Smith, against whom the Sheriff's sentence is to be execute and then liberat.

The Magistrats must putt a Centry on Mr. Burnet of Kirkhills house to prevent his Making Escape.

Abdⁿ. 8 Aprile 1746 so signed David Bruce D : I : Advocat.

The said day the Governours Recomendend to Provost Chalmers and Conveener Auldjo to meet with the Commissary for forrage, and gett from him one hundred ston of Straw for the use of the fort.

The said day The Governours and Captain Crosbie wrott a Letter to Capt. Obrian of the Sheerness Privateer to gett two hundred pound of powder for the use of the Town's Militia, and Recomendend to Mr. Logie to goe aboard the Man of War and grant Recept for what powder he Receives.

James Leper, Clerk to the Post Office, Reported that Sir Everard Fawkener had desyred him to apply to this Meeting for having right rules laid down for horses to goe Expresses, and that he desyred the Magistrats to Inspect the Packets and any Letters coming from the South and going Northward. And the Magistrats and Governours forsaid appointed the Postmaster of horses to be called instantly to take up a list of all horses in and about the Town.

The Governours appointed all the Inhabitants Immediately to acquaint some of the Governours of all Strangers how soon they come to their houses in Town, under severe penaltys, and that the same be Intimat thro the Town be Tuck of Drum, which was accordingly done.

The said day the Governours Agreed that all passes be signed at least by two of the Governours.

The said day it being Represented that George Rainie, younger, behaved very exceptionally during the time the Rebels were in Town, The Magistrats and Governours therfor think it proper to Discharge him from executing the said office any further, and ordains him to deliver up his Livery Coat and Drum belonging to the Town of Aberdeen, and appointed his father to exerce as Drummer till further orders.

9 Aprile, 1746. In presence of the Governours. The said day the Governours wrott letters to the Ministers of Crathie, Tarland, Birse, Towie, Strathdon, Cabrach, Kinethmont and Boatriphne, to keep a

Correspondence with the Town and Advvertise the Governours of any Motions of the Rebels, and to assist in getting men for the Town's Militia.

The said day The Governours caused Intimat to all persons (by the Drum) who inclined to serve in the Town's Militia Company, that they might come to the Town house and enter themselves.

The said day Mr. Logie Reported that he went aboard the Sheerness Man of War and gott two Casks of powder from the Captain, for which he gave Recept to be accomptable.

The said day Robert Thomson, Town Clerk, was qualified to His Majesty King George, and swore to keep the secrets of the Board, as was James Sangster, one of the Clerk's servants.

10 April, 1746. In presence of the Governours. Baillie Mowat appeared and accepted of the office of one of the Governours of the Town, and swore the oaths to King George, and to keep the secrets of the Board.

The said day the Governours being informed by Provost Morison that his Royal Highness the Duke of Cumberland had Recomend to them to choose the Officers of the Town's Volunteers and Militia, They did therfor nominat and appoint Mr. David Verner, Professor of the Marshal College, to be Captain, James Black, Junior, Merchant, Lievtenant, and James Deans, Merchant, to be Ensign of the first Company; John Auldjo, Conveener of the Trades, to be Captain, James Smith, Sadler, Lievtenant, and James Abercromby, Watchmaker, to be Ensign of the second Company; Robert Thomson, Town Clerk, to be Captain, William Copland, Merchant, to be Lievtenant, and John French, Advocat, to be Ensign of the third Company; James Strachan, late Baillie, to be Captain, Mr. Francis Skeen, Professor of Philosophy in the Marshal College, Lievtenant, and George Lesly, Mercht., to be Ensign of the fourth Company; Andrew Logie, late Dean of Guild, to be Captain, John Dingwall, Merchant, Lievtenant, and Francis Leys, Merchant, to be Ensign of the fifth Company; James Ogilvie, Collector of the Customs, Captain, George Gordon, Junior, Merchant, Lievtenant, and David Farquhar, Merchant, Ensign of the sixth Company; William Davidson, late Baillie, to be Captain, Alexr. Copland, Merchant, Lievtenant, and Alexr. Osborn, Merchant, Ensign of the seventh Company; Captain Duncan Macfarlane to be Town Major and Adjutant General.

The Governours appointed Peter Cushny, Merchant, to Collect the Money which the inhabitants have agreed to pay for hyring men to Defend the Town, and to pay the same to the hyred men as he shal be directed by the Governours.

The Governours called for William Murray, Merchant, who had been out of Town for some time, and caused him find Caution for his good behaviour, and appear at all times when called for, under the penalty of one hundred pound Sterling.

11 Aprile, 1746. In presence of the Governours.

The Governours called for George Duguid, Merchant, who had been out of Town for some time, and caused him find Caution for his Good behaviour, and appear at all times when called for, under the penalty of one hundred pound Sterling.

The Governours caused Advertise the Inhabitants by Tuck of Drum not to spread Lyes and Calumnies Anent the Army or Rebels, under the severest penaltys. The Governours Recomend to Conveener Auldjo and Walter Cochran to make out a New List for Constables.

14 Aprile, 1746. In presence of the Governours.

William Baird, Silk dyer in Aberdeen, who had been Concerned with the Rebels, surrendered himself, and was examined and ordered to be Imprisoned till his Royal Highness pleasure be known.

The Governours called for Andrew Walker, Junior, Merchant, who had been out of Town for some time, and caused him find Caution for his good behaviour, and appear at all times when called for, under the penalty of one hundred pound Sterling.

The Governours, Considering that the morrow being the fifteenth instant in the Anniversary of the Birthday of his Royal Highness the Duke of Cumberland, appoints the same to be solemnised by ringing of the public bells, the Town's Volunteers appearing in Arms and firing before the Townhouse. The hail houses in Town that front the street to be Illuminat, and the Officers of the Military and Volunteers and other principal Inhabitants to be Invited to the Townhouse to drink the healths of the King, Prince and Princess of Wales, His Royal Highness the Duke of Cumberland, all the Royal family, success to his Majesty's Arms agt. the Rebels and other loyal tosses, and to conclude the day with all demonstrations of Joy.

16 Aprile, 1746. In presence of the Governours.

The Governours, for the more ready Dispatch of Business, agreed to divide themselves in Committees of three each to sitt daily from eleven to one, and from three to five afternoon, and for that purpose have divided themselves as follows, viz^t.

1st Committee.

Provost Chalmers, Provost Aberdein, Alexr. Thomson.

2^d Committee.

Provost Alexr. Robertson, Ballie Burnet, John Auldjo.

3^d Committee.

Provost John Robertson, Ballie Gordon, Andrew Logie.

4th Committee.

Provost Morison, Provost Cruikshank, Ballie Mowat.

And agreed that when any Information came, that was proper to acquaint the Duke with, the whole Government should be called, as also upon any advice or direction to them coming from the Army.

They agreed that any person who has been out of Town while the Army lay here and may return and be called upon, shal not be discharged without Baill.

James Irvine, servant to Wm. Booth, Shoemaker in Aberdeen, was apprehended and Imprisoned for being one of the Guard that brought the Spanish Arms from Peterhead to Aberdeen.

George Paton, servant to the said William Booth, was Imprisoned for being concerned in the tumult in town during the time of the late Rebellion.

James Johnston, Bleetcher, was apprehended for being concerned with the Rebels, and appointed to find Baill for his appearance when called for, under the penalty of fifty pound Sterling.

17 Aprile, 1746. In presence of the Governours.

William Murdo, Shoemaker, and Hary Wight, servant to James Thom, Taylor, were apprehended and Imprisoned for being among the Guard that brought the Spanish Arms from Peterhead to Aberdeen.

18 Aprile, 1746. In presence of the Governours.

The Governours having gott account that his Royall Highness the Duke of Cumberland had gott a Compleat Victory over the Rebels at Culloden the 16th instant, They did therfor appoint public Rejoycing to be made thro the Town, The Public Bells to be Rung, The Town's

Volunteers to appear in Arms and fyre before the Townhouse, Bonfyres to be putt on, The haill houses in Town that front the streets to be illuminat, and the officers of the Military and Volunteers to be Invited to the Town house to drink the Healths of the King, Prince and Princess of Wales, His Royal Highness the Duke of Cumberland, all the Royal family, Success to his Majesty's Arms and other Loyal Tosses, and to conclude the day with all demonstrations of Joy.

19 April, 1746. In presence of the Governours.

John Mackgrigor of the County of Caithness being putt ashoar by the Sheerness Man of War, and was imprisoned for being concerned in the Rebellion.

21 Aprile, 1746. In presence of the Governours.

William Thom, writer, Wm. Elphinston, servant to 'Dr. Gregory, David Ochterlony, Serv^t. to Andrew Skene, Chirurgion, were apprehended and imprisoned for being concerned in the Tumults in Town in the time of the Rebellion.

John Duncan and John Masson, white fishers in Futtie, were imprisoned for being in the late Rebellion.

22^d Aprile, 1746. In presence of the Governours.

Lewis Petrie, servant to Dr. Forbes, was Imprisoned for being concerned in the Tumults in Town during the time of the late Rebellion.

Alexander Annand, Butcher, and Joseph Kemno, Blacksmith, were apprehended and Imprisoned for being in the Rebellion.

23^d Aprile, 1746. In presence of the Governours.

The Governours Agreed that George Paton, William Thom, Wm. Elphinston, David Ochterlony, and Lewis Petrie, should be liberat upon their finding Baill for their good behaviour and appearance when called for, Paton's Baill to be one hundred pound Scots, and each of the others Baill to be two hundred merks.

The Governours Agreed That upon Information of Rebels lurking in this Country, that Copys of such Information shal be daily delivered by the Committees to the Sherriff or Justices, that they may doe therein as the Law directs, and also Copies of such Information shal be sent to David Bruce, Judge Advocat, and that he be acquainted this day of this general Resolution.

John Scott, Mariner in Aberdeen, John Young, Residenter in Edinburgh, George Wales, Whitefisher in Futtie, and John Luckie, son

to William Luckie, Shoemaker in Aberdeen, were Imprisoned for being Concerned in the Rebellion.

24 Aprile, 1746. In presence of the Governours.

John Main, whitefisher in Futtie, James Mitchel in Northfield, and George Mitchel in Hizzlehead, Alexr. Robertson, Chapman in Robslaw, Daniel Mackdougall, Residenter in Aberdeen, George Baxter in Midd Ardo, Robert Ross, Indweller in Aberdeen, William Farquhar in Glasgow and Alexr. Munzie, Baxter in Aberdeen, were Imprisoned for being in the Rebellion, and Alexr. Craig, wright, was Imprisoned for resetting of Alexander Robertson in his house.

Mr. William Smith, Episcopal Preacher in Aberdeen, who had been out of Town for some time, found Caution for his appearance when called for, under the penalty of one hundred pound Sterling.

25 Aprile, 1746. In presence of the Governours.

In respect it appeared that Alexr. Menzies had Returned home from the Rebels the beginning of November last in terms of General Wade's Proclamation, and that he was not concerned with them since. The Governours appoint him to find bail for his good behaviour and appearance, under the penalty of one hundred pound Scots.

John Macklean, late servant to James Tower in ferryhill, and Alexr. Catto, weaver, servant in Aberdeen, and Alexr. Mar, Butcher in Aberdeen, were Imprisoned for being Concerned in the Rebellion.

Walter Nicol, Merchant, being sometime out of Town, was called on by the Governours, and caused find Caution for his good behaviour and appearance, under the penalty of one hundred pound Sterling.

28 April, 1746. In presence of the Governours.

Charles Davidson, late servant to Mr. Gordon of Abergeldie, was Imprisoned for being in the Rebellion.

30 Aprile, 1746. In presence of the Governours.

John Bruce, late soldier in Lord Semple's Regiment, was Imprisoned for being concerned with the Rebels.

2^d May, 1746. In presence of the Governours.

James Allan, Residenter in Aberdeen, was Imprisoned for being concerned in the Rebellion.

3 May, 1746. In presence of the Governours.

In respect George Baxter in Midd Ardo was attested by Dr. Skene to be in a fever, and that it appeared he was forced by the Rebels to goe

along with them. The Governours appoint the said George Baxter to be liberat on his finding Baill for his good behaviour and appearance, under the penalty of one hundred pound Scots.

The said day, The Governours having Received a Letter from Mr. Maul, the Town's Representative in Parliament, relative to the Election of a Magistracy and Council, and the Governours having deliberat thereon, They Agreed that a Petition should be drawn to the King, craving a Royal Warrant to the last Provost and four Baillies to Elect a New Magistracy and Council, as was done in the year 1716, and that a Letter be wrott to Mr. Maul along with the Petition, and that Letters be likeways wrott thereanent to Lord Justice Clerk, Lord Advocat, and Premnay, and that the said Petition should be signed by all the Governours.

5 May, 1746. In presence of the Governours.

James Donald and Alexr. Melvine, servants to Mr. Menzies of Pitfoddels, were Imprisoned for being in the Rebellion. As also Wm. Melvin, late servant to George Forbes, Merchant, was imprisoned for the same cause.

7 May, 1746. In presence of the Governours.

There being an Attestation signed by Dr. James Gordon, bearing that Hary Wight is in such bad state of health that his Confinement will very much Endanger his Life, The Governours having taken his case into consideration, They appoint him to be liberat out of prison upon his finding Baill for his appearance and good behaviour, under the penalty of five hundred merks.

9 May, 1746. In presence of the Governours.

William Strachan, Junior, Merchant, being sometime out of Town, was called in by the Governours, and caused find caution for his good behaviour and appearance, under the penalty of one hundred pound Sterling.

Accompt of persons to whom passes are granted.

Aprile 8. Mr. George Gelly, son to James Gelly, Land Surveyor, to pass to Cullen, attested by Mr. Pollock.

Aprile 9. James Allardyce, Sailor in Portsoy, to pass to Portsoy, attested by Edward Whately, Shipmaster in Lyn, his Master.

Wm. Troup, Maltster in Aberdeen, to pass to Montrose.

James Forbes, Sailor, to pass to the Hayg in Janet, Sloop of War, attested by Baillie Davidson.

Aprile 10. John Cameron, Satler, to Lord Albemarle.

Mr. Patrick McCulloch, Student, to pass to Dunkeld, attested by Regent Chalmers.

Aprile 11. James Abernethy, Merch^t., to pass to Edinburgh.

Anne Gillespy, spouse to John Gillespy, in Lord Semple's

John Groves, late Dragoon in Lord Mark Kerr's, to pass to London.

Wm. McLane to pass from this to Stirling, attested by the Minister of Kippen, Sir Ja. Livingston, J.P. in Stirling Shyre, and Tho. Douglas, one of the Managers of Montrose.

Aprile 12. John Still, serv^t. to George Middleton of Seaton, to pass to Montrose, attested by Mr. Middleton.

George Sim in Cairnbulg, attested by Provost Aberdeen.

Wm. Gray, Indweller in Aberdeen, to pass to Montrose, attested by Dr. Gordon.

Aprile 14. James Hay to pass to fochabers, having come from the Army.

James Trail, Student of Divinity, to Edinburgh.

Dr. James Gordon to Crathes.

Euphemie Lamond to Edin^r., attested by Mr. Ogilvie, Min^r.

George Still, Merch^t. in Abd^a., to Edin^r.

Aprile 17. Hugh Ross, a Recruit of Sir Hary Munroe's, to Inverness, attested by Capt. Mcfarlan and Mr. Verner.

Wm. Robertson, belonging to the Train, to pass to Newcastle.

Aprile 18. David Cuthbert of Rosehall to Edinburgh.

Aprile 21. John Sinclair, flaxman, to Ed^r., attested by Alexr. Sinclair.

James Black to Corse, attested by David Farquhar.

Wm. Murray, serv^t. to Pitrichie, to Inverness.

Susan Anderson in Belhelvie, her child and serv^t., to London, attested by Mr. Tho. Ross.

George Garioch, Merch^t., to Kirkton of Udney.

Joseph Delany to Garmouth.

Joseph Allardyce and David Young, Chapmen, to Perth.

Andrew Dow, Carter, to Perth.

D.—TOWN COUNCIL LETTERS, 1746.

9th Aprile, 1746.

Sir,

Wee are highly sensible of the great Obligations wee and our fellow citizens lye under to his Royal Highness the Duke of Cumberland for his protection, and for his being pleased to give us a Commission for preserving the publick peace and good order in the Burgh, for Obedience wherunto all the Gentlemen named in the Commission (except me who is at Edinburgh and another who is indisposed) mett yesterday forenoon and qualified to his Majesty King George, and took the oaths of Fidelity and Secrecy.

Wee mett with Capt. Crosbie and concerted with him such measures as occurred for executing the Trust reposed in us, and agreed to be mutually assisting to one another.

Wee likeways gave orders that all the Inhabitants give Immediat Notice to some of our number howsoon any Strangers come to Town, so as they may be examined, Wee have caused make publick Intimation for inlisting well affected men to be of the Town's Militia, and have wrott the Ministers in this County to find out and send in here well affected persons for that purpose. Wee have also settled a correspondence with the Ministers thirty miles round as for intelligence, and shal continue to doe all in our power for the faithful execution of our Trust, and acquaint his Royal Highness from time to time of all occurrences here.

Ye know there has been a total Interruption of the Trade of this place ever since the commencement of this wicked Unnatural Rebellion, whereby all Trading people have suffered greatly, and unless Trade be allowed to goe on many of their familys will be reduced to Straits, particularly those who deal in Manufactures of Cloath and Stockins, and in use to transport them to London about this season of the year, and as they are a perishing commodity, they run a risque of spoiling when kept on hand, besides losing the mercat to the merchant. Wee have likeways another litle Branch of Trade, viz., the Transporting of fresh and pickled Salmon to London, which brings us in some ready money. Our Provisions and Necessarys, which we use to gett from London, Newcastle and the firth of forth, are quite exhausted by the long Stagnation of Trade, and by the Army's being for sometime here.

All which lays us and our fellow citizens under an absolute necessity to apply to his Royal Highness for a permission to employ some of our Town's Ships To Transport our Manufactures and Salmon to London, and to bring us home from that Place, Newcastle and the Firth of Forth, such provisions and other things as are absolutely necessary for accomodating both the Inhabitants and the King's Troops, and that upon such proper Security and under such Rules as his Royal Highness shall think fit.

We are sensible of your goodwill to our Town, and therefore presume to intreat you may be pleased to lay this before his Royal Highness, so as he may take the same under his consideration, and give the proper Directions thereanent to us and the Collector of the Customes.

The Horses in and about this Town are much wore out with Service of the Army, so that they can scarcely proceed one stage, and therefore its humbly suggested that you would cause give directions to the Justices of Peace to have horses laid at every stage after the first twixt this Town and the Army, so as to be ready to forward Messingers or any other Expresses.

We have this afternoon caused apprehend one Shaw, a Rebel, whose examination is here inclosed, you'll please lay it before his Royal Highness, that his pleasure may be known thereanent.

We have the Honour to be, with very great regard and esteem,

Sir,

Your most obedient and most humble servants.

To The Honourable Sir Everard Fawkener, Secretary to his
Royal Highness the Duke of Cumberland, presently at Banff.

Aberdeen, 9th Aprile, 1746.

Aberdeen, 11 Aprile, 1746.

Sir,

We have this moment received The inclosed from Mr. Young, Sherriff of the County of Kincardine, which we thought our duty to forward by Express, you have also Inclosed the Examination of William Henderson and John Laird, who were pilots on board the Hazard Sloop when taken, the men are again sent on board the Shearness Man of War. The Captain had a Copy of their Examination sent on board, and

approved of the proceedure. The Sheerness sailed with her Prizes this morning for Leith Road. There has nothing otherways material happened since we wrote you last, and we have the Honour to be, with great truth and regard,

Sir,

Your most obedient and most humble servants.

To Sir Everard Fawkener.

Aberdeen, 14 Aprile, 1746.

Reverend Sir,

We find by Letters from some members of your Presbytery That several persons concerned in this wicked Rebellion have taken the benefite of his Royal Highness the Duke of Cumberland's Proclamation, But then the Ministers do not mention if those persons have delivered up their Arms, which is a very material point, for unless the Arms be actually delivered up, it will be in their power to take them up again, or at least the other Rebels may (get) hold of them, and therefore we have wrote you this to communicate to the whole Members of the Presbytery that they make strickt enquiry anent the arms of those who shall submitt, and cause them furthwith to be delivered up, and thereafter it will be necessary that such Arms be directly sent in to the Governour of the Fort at Aberdeen for security and preservation, seeing if they be left with the Ministers, the Rebels may again lay hold of them by force and make a bad use of them, we intreat you'll make all Dispatch in communicating this to your Brethren, as it is of great importance to the Government. This is signed at the desire of the Governours of the Town by

Your most Hu^{ll}. Servant,

R. S.

To The Moderators of the Presbetrys of
Alford and Kincardine.

Abdⁿ, 14 Aprile, 1746.

Sir,

Since wee had the honour to write you last, wee called before us two of our Citizens, William Murray and George Duguid, Merchants,

who had disappeared during the time his Royal Highness was in this place, and after his Departure came on the Streets again, going about their business, and after Examining (as you'll see by the Inclosed copys of their Declarations) wee appointed them to find bail, which they did accordingly.

Wee shal be glad to have the honour of your Approbation of our Proceedings, or if our Conduct is not Agreeable, we shal be ready to receive Directions.

We beg leave to Refer to what wee wrott you Concerning our Shipping, which is of great Importance to the Town, and intreat a favourable answer y^ranent. This Morning our Militia Mustered, and the numbers are increasing considerably. There are already about three hundred Volunteers of and belonging to this Town, Including the men engaged in pay, and besides Sixty of the old town Militia, we called for arms from Captain Crosby, who has only delivered one hundred and thirty seven firelocks with Byonets, so that you see we will need at least two hundred and fifty Stand of Arms more than what we have got, otherwise our people cannot do duty, and it will be a great discouragement for any of them to want arms, besides there are no Cartrouch boxes to be got in this place, which you know are very necessary for the Service, we wish these were likewise ordered. We hope you'll lay this before his Royal Highness, that he may be pleased to have the same under his Consideration. The Clerk of the Post Office told us, you desired that we should open the Bags going to the North and inspect the Letters, But as you gave no written orders thereanent, and that the Army is now to the North of all the places where the Baggs are directed, some of our number made scruple to open the Letters unless there be written directions from you thereanent finding it necessary, and Captain Crosby was of the same Opinion.

This day William Baird, Silk dyer in Aberdeen, came before us, and in terms of his Royal Highness's declaration, Surrendered himself, a copy of his Declaration is inclosed, to which we refer, we appointed him to be imprisoned untill his Royal Highness should be pleased to give orders about him.

To Sir Everard Fawkener.

Aberdeen, 14 Aprile, 1746.

Sir,

In consequence of your Recommendations to us, we called before us such persons as disappeared when his Royal Highness was in this place, and have come on the Streets again since his Royal Highnesses departure, vizt., William Murray, Andrew Walker, Junior, and George Duguid, Merchants, and have caused them find Bail for their Appearance when called for, we have sent copies of their Declarations to Sir Everard Fawkenner, and we are Resolved to Continue to do so for the future, unless you think our Conduct should be Altered.

There was one John Shaw who had joined the Rebels, and had left them a month ago, he came to this Town, we called him before us and examined him, and ordered him to be imprisoned till his Royal Highness's (pleasure was known), his Confession was sent to Sir Everard Fawkenner last week, please let us have your opinion what is to be done with him. This day William Baird, Silk dyer in Aberdeen, who was concerned in Some Tumultuous Affairs in this Town during the Rebellion, Surrendered himself to us, we Examined him and ordered him to be imprisoned till his Royal Highness pleasure be known, his Confession is sent to Sir Everard Fawkenner, please let us know what is to be done with him, and if anything occur to you, you may Communicate the Same to us, which will be most acceptable.

Sir,

Your most obedient humble Servants.

To David Bruce, Esqr.,
Judge Advocate for the Army.

Aberdeen, Aprile 23, 1746.

Sir,

We wrote you the 14th instant to which we refer, but we have not yet been favoured with your answer ; Since that time we have caused take up James Irvine and William Murdo, Shoemaker, Servants, and Hary Wight, Taylor, Servant, for being part of the Guard that brought into this Town the Arms for [from] the Spanish Ship at Peterhead, and have

confined them in prison. We have also confined in prison John Duncan and John Mason, white fishers in Footdee, who were in the Rebel Army and Deserted from them, as they alleadge the 13th Instant, we have also confined in prison John Mcgrigor of the County of Caithness, who was apprehended by the McKays, and put ashore here by the Sheerness man of war, he acknowledges his being in the Rebel army; Alexander Annand, Butcher, and Joseph Kenna, Blacksmith, who were in the Rebel Army, and fled from the Battle near Inverness, as we have George Wales and John Young, who served as Waggoners to the Rebels, and John Luckie, who was servant to Stonnywood's Brother among the Rebels, and John Scot, Mariner, son-in-law to Mr. Law, the Nonjuring Parson, Copies of their Confessions you have herewith, They are all poor people, you'll consider their Different cases and advise us whether any of them ought to be liberate upon Baill, or if they shall be continued in Prison, and what they are to be allowed for subsistence, as we believe they have nothing themselves; As our Prison is already overcrowded with Prisoners, it will be proper to have under consideration how they or those that may be afterwards apprehended shall be disposed of; we this day received yours of the 16th giving an account of the Defeat of the Rebels. We received the first account of it on the 18th inst., in the morning, which we caused immediately publish thro Town and County, and made the proper rejoicings for such an happy event; By all the accounts of the Prisoners we have Taken, and by our advices from the Country, The Rebels appear to be quite dispersed, and great numbers of them are returned to this County. We have this day agreed whatever information we get of the Rebels lurking in this County, That Copies of such Information shall be daily delivered to the Sherriff or Justices of Peace, that they may do therein as the Law directs, as we have no jurisdiction without the Liberties of our town, and if any of them happen to come about this Town that we can get account of, we shall take care to have them secured, and we shall acquaint you from time (to time) what happens. Some friends of John Elphinston, Merchants, whose goods were attacked when his Royal Highness was here, and say he has kept out of Town since for fear of Confinement, and can make appear where he has been, have been solliciting to know if we would admit him to Baill, we desire your advice as to this, and if to be bailed for what sum.

You may be sure it gave us the most unspeakable Joy to hear of so

Compleat a Victory by His Royal Highness over the Rebels, which we are confident will put a Total end to this wicked and unnatural Rebellion.
To David Bruce,
Judge Advocate for the Army.

Aberdeen, 25th Aprile, 1746.

Sir,

We beg leave to take this Opportunity to offer our Compliments of Congratulation in the most sincere and hearty manner to his Royal Highness the Duke and Generals and Officers under him for the late Signal Victory over the Rebels, and intreat you'll have the goodness to do us the honour to mention our unfeigned Joy to his Royal Highness on this Happy Event, and we wish him and the Army all manner of happiness and prosperity.

By all our Accounts from the Country round about, the Rebels are returned, and go idly up and down, particularly in Buchan upon the Sea Coast near to Peterhead and Fraserburgh, several common People who resided about this Town and were coming here in the night time, have been apprehended by our Town's Militia and Imprisoned.

We took the Liberty to write to you formerly of the hardships our Trade sustains by the Stoppage of our Navigation, and as we have got yet no return, we are under a necessity to give you this Trouble acquainting you that ever since the Duke left this place we have had two Ships, vizt., the Anne, James Ferguson, Master, and the Princess Caroline, John Bothwell, Master, both clear to saill for London with Manufactures and Salmond, and, as they are perishing commodities, they sustain great loss in being detained. Wherefore we earnestly beg you'll once more lay this affair before his R. H., and obtain a Liberty for the above Two Ships to ply their Voyages to London in finding proper security. We are informed ships have liberty to pass from Montrose and other Ports in Scotland, and Dutch ships come here to Carry off our Manufactures, to the great prejudice of our own Shipping. We ask pardon for this Trouble, and we have the honour to be, with great regard,

Sir,

Your most obedient and most faithfull humble servants.

Signed in name and by appointmente of the
Governours of Aberdeen by

To Sir Everard Fawkenor, Secretary to his
Royal Highness the D. of Cumber :

Aberdeen, 25th Aprile, 1746.

My Lord,

We wrote your Lop the 18th inst, with the first notice of his Royal Highness's Victory over the Rebels, no doubt since that time your Lop has got full accounts of it from the Army. Since the Battle there have been some Common people who resided in and about this place who were in the Rebellion apprehended, who seem to agree that most of the Low Country (men) got off, having fled in the Beginning of the Action and fled to Ruthven in Badenoch, where on the Eighteenth they all separate and dispersed, and particularly one Martin, who lived in Mr. Midlton of Seaton's grounds, being apprehended as a Rebel, acknowledged last night Before the Sherriff that he was at Ruthven after the Battle, where there were several hundreds of the Rebels, and that Stonnywood his Commander came and told his People that orders were given that they should all disperse and shift for themselves, and that he saw Stonnywood tear the Collours from the Staff. Another of the Rebels presently in Custody here, Declares that the Afternoon of the Battle two or three miles from the field the Young Pretender, accompanied by the Duke of Perth, Lord John Drummond, and about One Hundred Horse, past him on the Road towards Ruthven, and that next morning he saw the forsaid Horses at Ruthven as he passed by.

Mr. Garden, Minister of Birse, informs us that the Angus men passed thro' Braemar the 18th, some with Arms, many without, some wounded, and all in the greatest Confusion, other Informations bear that a good many of the Buchan People that were in the Rebellion have been seen passing and repassing to that Country, we thought it our indispensible duty to acquaint you of the Rebels Rout as above, at the same time are perswaded that the whole Low Country men are dispersed, whatever else may occur shall acquaint you from time to time, and we have the honour to be, with great regard and esteem,

My Lord,

Your Lordships

most obedient and most faithfull humble Servants.

To The Right Honourable

The Lord Justice Clerk, Edin^r.

28 Aprile.—Wrott to Mr. Bruce and Mr. Dundass that forage may be provided for the Troops passing this place, and acquainted Mr. Bruce of the Information that some of the Rebels were about Glentanar, and that there appeared to be something in agitation among them.

Aberdeen, 1 May, 1746.

Sir,

Wee have your oblidging favours of the 26th ultimo, and it gives us great Satisfaction to understand his R. H. the Duke seems pleased with our Conduct. Wee shall still continue to doe all in our power for the Support of the Government and Suppression of this wicked Rebellion, and shall be sure to give all the assistance to the Military, and endeavour all wee can to make everything agreeable to them. Our Merchants are very impatient for having the Port opened for our Shipping.

On Tuesday last Lord Cobham's Dragoons came to this Town. Major Chaban who commands them has been with us once and again. Wee have given him all the Information possible as to the Rebels in this Country, North South and West of this, As also Lists of all the Shipping in the harbours of Peterhead, Fraserburgh and Stonehyve, he sent of Cap^t. Goddard with a detachment early yesterdays morning to Peterhead and Fraserburgh to cause unrigg the Shipping, and Search for the Rebels in that Country, Major Chaban marched with the rest of the Regiment for Stonhyve this Morning. You certainly know that the forage was entirely exhausted in this neighbourhood, and are Surprised the Commissary left no Magazine nor made any provision for the Troops returning this way, as wee hear Lord Mark Kerr's Dragoons are on their way here. Wee thought it our duty to acquaint you of this, that you may lay the same before the General officers, so as the Commissary may be ordered to have forage laid up for the Troops here, it was with the utmost difficulty Cobham's Dragoons were gott provided for two nights.

One of our Governours was at fraserburgh this week, who tells us that he was certainly informed That Lord Pitsligo and Several of the Gentlemen that have been in the Rebellion were in that neighbourhood last week, that they affected to be in great Spirits, and seemed to have Something of Consequence in Agitation. As our Prison is full of a

Vermine of Canalle (?) should be glad to have your directions about them, and if any of them whose Crimes are less Atrocious than others may be Admitted to Bail. Meantime shal observe your directions in giving the allowance you order to such of them as are Necessitous and have nothing to Support themselves, which seems to be the case of all them wee have taken up, Mr. Elphinston's friends would fain have you answer in relation to his being admitted to Baill. Wee expect youl favour us from time to time of any Occurrences, And wee Remain very Sincerely,

Sir,

Your oblidge and most huff Servts.

To David Bruce, Esqre.,
Judge Advocat.

Aberdeen, 5 May, 1746.

Sir,

We received yours of the 23^d instant, and it makes us go on with our duty with the greatest alacrity and Chearfullness, as we have the Honour to have our Conduct approven of by his Royal Highness the Duke, shall take care to grant the allowance to the prisoners as you direct. The Detachment of Lord Cobham's Dragoons returned from Peterhead and Fraserburgh, but have brought in no Prisoners. The Men of War on our Coasts are Threatening to unrigg our ships, we have wrote this day to Sir Everard Fawkener about our Shipping, and we intreat you'll keep him in mind to get something done about them. Since the last list of Rebels we sent you that are apprehended and Imprisoned here, there have been apprehended and imprisoned the following Persons, vizt., John Main, white fisher in Footdee, James Mitchel in Northfield, George Mitchel in Hizzlehead, Alexander Robertson, Chapman in Robslaw, Daniel McDougal, a Beggar, upwards of seventy years of age, Robert Ross, Indweller in Abdⁿ, William Farquhar in Glasgowego, John Macklean in ferryhill, Alexander Catto, weaver, servant in Aberdeen, Charles Davidson, late servant to Mr. Gordon, Aberzeldy, James Allan, Residenter in Abdⁿ, James Donald and Alexander Melvine, servants to Mr. Menzies of Pitfodles, and William Melvin, late servant to George Forbes, Merchant in Aberdeen, who were all in the Rebellion. Alexander Mar, butcher in Aberdeen, for being in Arms,

and keeping Guard in the Town with the Rebels the night of the Skirmish at Inverury, John Bruce, who acknowledges he was a Souldier in Lord Semple's Regiment and Capt. Ballentine's Company, who is confined on account that its said he is a Deserter, and was in Arms with the Rebels: There is one Lawrence Clerk, who is one of Fitz James's Horse, came here and surrendered himself, and is detained prisoner untill we get your Orders; Walter Nicol, Merchant in Aberdeen, who was at Edinburgh when H.R.H. was in Town, upon his coming to Town we caused him find Baill for his good behaviour and appearance when called for, under the penalty of one hundred pound Sterling, we are looking for an answer from you whether any of the Prisoners that only assisted in guarding the Arms should be admitted to Baill, we expect you'll favour us from time to time of any occurrences, and we remain sincerely,

Sir,

Your obliged and most humble Servants,

(Signed) JAMES MORISON, Preses.

Aberdeen, 5 May, 1746.

Sir,

We gave you the Trouble some time ago for a licence to our Shipping, Mr. Bruce informs that you have been so much hurried you have not had leasure to give us an answer as yet, but might soon expect it. On friday last Captain Dyve of the Winchelsea Man of War sent on shoar his Lieutenant to unrigg the Shipping in this Harbour, we wrote to the Captain intreating he would not execute his Orders untill we should have your answer, and have prevailed on him to delay untill he acquaint the Commodore and we engaging that no ship, shall go out of this Harbour till he return, we expect Captain Dyve back to-morrow, who told us that in case the Commodore gave Orders, he must unrigg immediately. We must beg leave to represent this hardship, that thereby a total stagnation is put to trade, and our Town much straitned for Provisions, Coals, Salt, &c. at same time we reckon it impracticable for any Rebels to make their escape by Shipping from this Port, as these Ships that have got Licences are so narrowly searched both by the Officers' of the Customs and by our own Volunteers, and a constant

Guard kept at our Harbour mouth ; on these Considerations we flatter ourselves that H.R.H. will allow our Shipping to proceed, more especially as they have such liberty at Montrose, Dundee, &^{ca}. We wrote Mr. Bruce the Judge Advocate the 1st instant, and then gave him all the information we had learned concerning the Rebels, Since that time we had information, that Menzies of Pitfoddles (whose house is five miles from this Town) had five sons who had been all in the Rebellion returned to their father's house immediately on this notice we consulted with Captain Crosbie, and he sent a party of the military from the Fort, who, in conjunction with a party of our Volunteers, searched the house of Pitfoddles in the night betwixt Saturday and Sunday last, they found none of the Sons, but have got two of their servants who acknowledge they were in the Rebellion, and they are committed to Prison, we are also informed that numbers of the Rebels are in the head of Strathdon in a large Mountainous Country, and it's judged that some of the Highlanders in H.R.H. the Duke's Service would be the properest persons for finding them out. We wrote you some time ago for more arms to our Volunteers, are fond to tell you that they behave very well and delight in expeditions for catching of Rebels, but vastly discouraged for want of arms, one third of them is not as yet provided, must therefore intreat you'll lay this matter before H.R.H.

Aberdeen, 7 May, 1746.

Sir,

We have your favours of the 2^d Inst. as Preses of the Committee of the Royal Burrows, shewing that they are to meet on the 13th in order to congratulate His Majesty upon the Success of his Arms against the Rebels, and to thank him for his great goodness in sending H.R.H. The Duke, under whom by Divine assistance a Compleat Victory is obtained, as we have no legal Magistracy but only act as Governours by Commission from H.R.H. we are just now hurried in the Governments service, and cannot conveniently spare a Commissioner to attend the Committee, but we hereby heartily concur in your laudable design, and do think there can't be words sufficient to Testify the thanks and gratitude this Country owes his Majesty and H.R.H. The Duke on such a happy event, which we hope will lay lasting foundations for peace and tranquility

to us both in Church and State, we heartily wish the welfare of the Royal Burrows, and are, with great Regard,

Sir,

Your most obedient Servants.

Signed in name and at the Desire of the Governours of the City of
Abdⁿ. by (Signed) JAMES MORISON.

Aberdeen, 9th May, 1746.

Sir,

The Governours are informed that there is some order appointing a Registration of all Bonds or other Deeds granted by those who may have been concerned in this unnatural Rebellion, and that immediately in the Books of Council and Session ; As the Town of Aberdeen have securities from some of those unhappy people, We therefore intreat on receipt of this, that you'll make inquiry (at the most knowing People) what the nature of this order is (or if there be any such thing), and what the Town of Aberdeen ought to do for their security. We therefore desire that you'll immediately in course advise us what is proper to be done, and also from time to time advise us of anything of this nature, or what may concern the good or interest of the Town, you promised long ago to have sent the Treason Act, which we see others have now got, as Doers correspond with their employers punctually at this Juncture, we will expect the same from you, and we are, Sir,

Your most humble servants.

To Mr. Geor. Chalmers,
Wr. to y^e Sig^t, Ed^r.

Abd., 23 May, 1746.

My Lord,

Wee have the honour of your Lops/ Letter of the 16th instant, desyring us to make up exact Lists of such as are in Custody within this Town on account of the late Rebellion, and in obedience to your orders, Wee have made up in as Exact a Manner as wee could devise, ane Alphabetical List of the prisoners, with ane Account of their

Crymes, so far as wee could learn (several of them being Committed by the Judge Advocat and others who only can give Information of the Crymes for which they are committed), with a List of the witnesses for proving against them subjoined, and the numerical figures adjected to each prisoner of the witnesses that can prove against them, which Lists are here sent you enclosed. Wee have concerted with the Sheriff of the County in making up this List, and wee shal be ready at all times to Obey such orders as your Lop/ shal please direct, and shal from time to time transmitt to your Lop/ Lists of any other Rebels that shal be imprisoned here.

Your Lop/ knows the Extensive trade of this Town in the Manufacture way, which usually is transported to London in the Spring, but upon Account of the present troubles has this year been entirely Stopt, to the very great loss of our Merchants, If your Lop/ could putt us on any Method to allow two or three of our Ships to proceed to London (as our Shipping are presently unriggered and embargoed), it would be a most singular favour done our Town.

Wee have the honour to be, with very great Regard and Esteem,

My Lord,

Your Lops/ most obed^t. and most huff^t Serv^{ts}.

To Lord Justice Clerk.

Abdn., 23 May, 1746.

Sir,

In answer to yours of the 16th inst., wee observe what you wrote of your having Received Baill for Mr. Elphinston.

As to the Prisoners wee Received lately a Letter from the Lord Justice Clerk desyring to send up ane Exact List of those in Custody here and their Crimes, and Lists of witnesses to prove against them. In obedience wherunto have made a very exact List, and transmitted the same to his Lop/ this day (copy whereof wee send here incloaed for your satisfaction). As also wee send you a Note of those wee have admitted to Baill, most of whom were absent when H.R.H. was here. And when they Returned wee oblidged them to find Baill in terms of your Recommendation to us theranent, you know wee wrott you from time to time of

our proceedure that way only. Since our last to you wee have admitted to Baill Patrick Sandilands, Merchant in Aberdeen, and Thomas Mosman, Advocat here, who were both absent while his R.H. was here.

Wee know nothing further about Robert Mcpherson from Calder, but that Lord Ancrum caused committ him to the Main guard as a Rebel. In this excessive hott weather the Prisoners here are in a dismal situation, the Jaol being full, Pray if anything possibly can be done to allow two or three of our Ships to sail for London with Manufactures, it will be a most singular favour done our Merchants—Lawrence Clerk, one of Fitz James Regt., who surrendered here, was carried off with the rest of the prisoners for Inverness on Saturday last, under the Command of Capt. Dunlop of Blackney's Regt.

Wee Remain, with great Regard, Sir,

To David Bruce, Esqr.

List of Prisoners presently in the Tolbooth of Aberdeen Reported to the Right Honourable The Lord Justice Clerk.

1. James Allan, Residenter in Aberdeen, was in Arms with the Rebels in James Moir of Stonnywoods Corps of Lord Lewis Gordons Regiment. Confessed that he was at the Battle of Colloden, and was Apprehended by the Town Guard to be proven by Alex^r. Munzie, Baker, Servant in Aberdeen, Alex^r. Aiken, James Cook and Peter Hervie, Porters, Ro^t. Ross, John Masson.
2. Alexander Annand, Butcher in Aberdeen, was in Arms with the Rebels in the Corps of James Moir of Stonnywood. Confessed his being guilty, and will be proven by the said Alex^r. Munzie, Alex^r. Aiken, Ro^t. Ross, John Masson.
3. William Baird, Silkdyer in Aberdeen, Confesses that be putt a white Cockade in his hatt, and Joyned James Moir of Stonnywood and other Rebels when they entred the Town, and made a parade with them down the Streets about the 20 Septr., 1745, and was at the house of George Gordon, Merc^t. in Abdⁿ, demanding Arms in the Pretenders name, witnesses, Alex. Munzie, Alex^r. Aiken, for he alleadges he surrendred himself in terms of the D. of Cumberlands proclamation.

- 3a. John Bruce, who says he was a Soldier in Lord Semples Regiment, was said to be in Arms among the Rebels, witnes, John Ross Masson in Aberdeen.
4. Alex^r. Catto, weaver, Serv^t. in Aberdeen, Confesses that he was in Arms with the Rebels in the Corps of James Moir of Stonniewood, and will be proven by Wm. Moir, Indweller in Abdn., Robert Ross.
5. William Coutts, Boatman in Torry, Imprisoned by Mr. Bruce, who can inform anent his Cryme.
6. John Cruikshank, weaver in Aberdeen, Imprisoned by Mr. Bruce, the Judge Advocat, who can only inform of the Crymes wherewith he is charged, and of the witnesses for proving therof, as he took precognitions anent the prisoners, and carried the same along with him.
7. Charles Davidson, late Servant to Alex^r. Gordon, Aberzeldy, Merc^t. in Abdn., Confesses he was in Arms with the Rebels in the Corps of James Moir of Stonniewood, which will be provin by Wm. Moir and James Cook, Ro^t. Ross, John Masson.
8. James Donald, Servant to Wm. Menzies of Pitfoddels, Confesses he was in Arms with the Rebels, being Servant to John Menzies, one of Pitfoddels sons, and went with them into England as far as Derby, witnesses, Alex^r. Aiken.
9. John Duncan, whitefisher in Futtie, Confessed that he was in Arms with the Rebels in the Corps of Mr. Crichton of Achingoul, and will be proven by Wm. Moir, James Cook and Peter Hervie, Robert Ross, John Masson.
10. William Farquhar, Labourer in Glasgowego, Confesses that he was in Arms with the Rebels in the Corps of James Moir of Stonniewood, which will be proven by Wm. Moir, Ro^t. Ross.
11. Alex^r. Fleming, horsehyrer in Aberdeen, Confesses that he was in Arms with the Rebels, In the Corps of Mr. Crichton of Achingoul, which will be proven by Wm. Moir, John Masson, Rob^t. Ross.
12. John Roy Grant, Wheelwright in Strathbogy, was Imprisoned by order of Mr. Bruce, the Judge Advocat, who can inform of his Cryme.

13. James Irvine, Shoemaker, Servant in Aberdeen, Confesses that he went out to Peterhead and was one of the Guard that brought in the Spanish Arms from Peterhead to Aberdeen, which will be proven by Alex^r. Munzie, Baker in Aberdeen, he was guilty of Tumults in Town during the Rebellion, which will be proven by James Smith, Sadler in Abdⁿ., Robert Reid, Serv^t. to John Joyne in Old Aberdeen.
14. Joseph Kemno, Blacksmith in the Hardgate, near Aberdeen, Confesses that he was in Arms with the Rebels in the Corps of James Moir of Stonniewood, which will be proven by Alex^r. Aiken, Peter Hervie, James Cook and Wm. Moir, Ro^t. Ross, J. Masson.
15. Robert Knows, Salmond fisher in Craighead of Ardo, Confesses that he went along with his Brother Wm. Knows (who was in Arms) to Mr. Nicolsons, Minister of Banchorys house, to demand his horse.
16. Alexander Lawson in Badentoy Imprisoned for Recepting his Brother John Lawson, who was in the Rebellion, which he confessed.
17. John Luckie, son to William Luckie, Shoemaker in Aberdeen, Confesses that he was with the Rebels as Servant to Charles Moir, a Captain in Stonniewoods Corps, and marched wth them to England, witnesses for proving that he was with the Rebels, Peter Hervie, Alex^r. Menzies, John Masson, Ro^t. Ross.
18. Alex^r. Mackdonald, Merchant in Aberdeen, Imprisoned by order of Mr. Bruce, the Judge Advocat, who can Inform anent his Cryme as above.
19. Thomas Mackdonald, Messenger in Aberdeen, Imprisoned by order of Mr. Bruce, the Judge Advocat, who can inform anent his Cryme as above.
20. Daniel Mackdougall, Residenter in Aberdeen, Confesses that he was in Arms with the Rebels In Stonnywoods Corps, witnesses, Alexander Aiken, James Cook, Ro^t. Ross.
21. John Macklean, Labourer in ferryhill, Confesses that he was in Arms with the Rebels In Stonniewoods Corps, witnesses, Alexand^r. Aiken, James Cook, Peter Hervie, Wm. Moir, Ro^t. Ross.

22. John Mackgregor, labourer in Cambster or Caithness, Confesses that he was in Arms with the Rebels in Mackdonald of Barrisdales Corps, he was putt ashoar here by the Sheerness Man of War. No witnesses here agt. him.
23. John Main, whitefisher in Futtie, Confesses that he was in Arms with the Rebels in Achingouls, witnesses, Wm. Moir, Jo. Masson, Ro^t. Ross.
24. Alexander Mair, Butcher in Aberdeen, proven to be among the Rebels Guard in Arms within the Town of Aberdeen the Night of the Skirmish of Inverury.
25. John Martine at Gordons Miln was in Arms with the Rebels, witnesses, Alex^r. Menzies, Wm. Moir, Alex^r. Aiken, Ro^t. Ross, Jo. Masson.
26. John Masson, whitefisher in Futtie, Confesses that he was in Arms with the Rebels in Achingouls, witnesses, Ro^t. Ross, Ja. Thomson.
27. Robert Macpherson, Imprisoned by Lord Ancrum, who can inform of his Cryme.
28. Alexander Melvin, Servant to William Menzies, son to William Menzies of Pitfoddels, Confesses that he was, along with his Master and other Rebels, in Arms, and went into England with them as far as Derby.
29. William Melvin, Servant to George Forbes, Merchant in Aberdeen, Confesses that he was in Arms with the Rebels in Stonnywoods Corps in England, and at Battle of Culloden, witnesses, Alex^r. Aiken, Peter Hervie, Ro^t. Ross, John Masson.
30. George Mitchel, labourer in Hizzlehead, Confesses that he was in Arms with the Rebels, and was at the late Battle of Culloden in Lord Ogilvies Corps, witnesses, Alex^r. Aiken, Ro^t. Ross, Jo. Masson.
31. James Mitchel, labourer in Northfield, Confesses that he was in Arms with the Rebels, and was at the late Battle of Culloden in Lord Ogilvies Corps, witnesses, Alex^r. Aiken, Ro^t. Ross, Jo. Masson.
32. James Mitchel in Panmure was carrying North to Inverness, and falling Sick at Aberdeen by the way, he was left there by the Guard, he was Apprehended by the Precentor of Dun and Imprisoned at Montrose.

33. William Murdo, Shoemaker, servant in Aberdeen, Confesses that he went out to Peterhead and was one of the Guard that brought in the Spanish Arms from Peterhead to Aberdeen, which will be proven by
34. James Niven, Merchant in Aberdeen, was Imprisoned by order of Mr. Bruce, the Judge Advocat, who can inform of his Cryme.
35. David Ogilvie of Pool, a Captain in _____, was imprisoned by Mr. Bruce, who can inform anent him.
36. Charles Ramsay, Senior, Wheelwright in Strathbogy, Imprisoned by order of Mr. Bruce, the Judge Advocat, who can Inform of his Cryme.
37. Charles Ramsay, Junior, Wheelwright in Strathbogyie, Imprisoned by Mr. Bruce, the Judge Advocat, who can Inform of his Cryme.
38. Robert Reid, Masson in Aberdeen, Imprisoned by Mr. Bruce, Judge Advocat, who can inform of his Cryme.
39. William Reid, a Popish Priest in the Parish of Riven, Imprisoned by Mr. Bruce, Judge Advocat, who can inform of his Cryme.
40. Alex^r. Robertson, Chapman in Robslaw, Confesses that he was in Arms with the Rebels in Achingouls Corps, witnesses, Alex^r. Craig, wright in Lonhead, Ro^t. Ross, John Masson.
41. Robert Ross, labourer in Aberdeen, Confesses that he was in Arms with the Rebels in Stonniwoods Corps, witnesses, Alex^r. Aiken, Peter Hervie, James Cook and Wm. Moir, John Masson.
42. David Russel, Glover, Servant in Aberdeen, Confesses that he was in Arms with the Rebels in Stonniwoods Corps, witnesses, John Stronach, Glover in Aberdeen, Peter Hervie, John Masson.
43. George Scott, Town Clerk of Inverury, Imprisoned by Mr. Bruce, who can inform of his Cryme.
44. John Scott, Son to the Deceast Robert Scott, Merchant in Edinburgh, was in Arms with the Rebels in Stonniwoods Corps, witnesses, Al. Aiken, Peter Hervie, Ja. Cook, Wm. Moir, Ro^t. Ross, Jo. Masson.

45. John Shaw, fidler in Aberdeen, was in Arms with the Rebels and went with them into England, witnesses, Al. Aiken, Peter Hervie, Ja. Cook, Wm. Moir, but he alleedges he Surrendered in terms of The Duke of Cumberland's Declaration.
46. John Strachan, farmer in Reidfoord, was Imprisoned by Mr. Bruce, Judge Advocat, who can inform of his Cryme.
47. George Wales, Whitefisher in Futtie, Confesses that he was in Arms with the Rebels In Mr. Crichtons Corps, witnesses, Jo. Masson, Ro^t. Ross.
48. William Williamson, Butcher in Blairs of Maryculter, Confesses that he was in Arms with the Rebels first in Pitfoddels Corps, thereafter In Achingouls, witnesses, Alex. Aiken, Jo. Masson.
49. William Wishart, farmer in Johnshaven, Imprisoned by Mr. Bruce, Judge Advocat, who can inform of his Cryme.
50. John Young, Residenter in Edinburgh, Confesses that he Served as a Waggoner to the Rebels.

List of Witnesses.

1. Alex^r. Munzie, Baker in Aberdeen.
2. William Moir, Indweller in Aberdeen.
3. Peter Hervie, Porter In Aberdeen.
4. Alex^r. Aiken, Porter there.
5. James Cook, Porter there.
6. James Thomson, Town Serjeand, yr.
7. Roderick Mackulloch, Town Serjeand, yr.
8. Robert Ross, Labourer in Aberdeen, } two of the prisoners who
9. John Masson, Whitefisher in Aberdeen, } were in the Rebel Army.
10. John Ross, Masson in Aberdeen.

16 Aprile, 1746. In presence of the Governours.

Compeared James Johnston, Bleatcher in Aberdeen, who was apprehended by the Guard on Suspicion of his being Concerned with the Rebels, and being Examined, Declares that he went from his house about

the beginning of March last, and stayd ten days at the Miln of Cluny, and other ten days at Tillifour in his sister's house, and then Returned to his house, and being asked the reason why he had stayed so long from home, He said that he went to see his Brother, who was in a dying condition, and to buy Meal for his family. Refuses that ever he was in Arms or wore a white Cockade or was concerned with any of the Rebels or the Tumults in the Town. Declares that there was one of the Rebel Hussars who was quartered in his house left a sword belt and a scabbard, and about eight days agoe some people that were filling muck in a midden found a Broadsword, which they putt in to the Defendant's house, and all which, with a powder horn, were found in his house last night when he was apprehended by the Guard. Jas. Johnston.

Will: Chalmers, Senr.

Compeared John Wishart, Servant to the said James Johnston, and being Examined, Declared that he was no ways concerned with the Rebels, and no thing being alleadged against him, he was dismissed.

Will: Chalmers, Senr.

The Governours Appoint a Precognition to be taken anent James Johnston's behaviour during this Unnatural Rebellion, and appoint witnesses to be called upon.

Will: Chalmers, Senr.

Wherupon Compeared James Smith, Sadler in Aberdeen, and being Examined, Declared that this last Winter he saw James Johnston two different days have a white Cockade in his hatt, standing with some Rebels at the Shop of George Forbes, Merchant in the Castlegate.

Will: Chalmers, Senr.

James Smith.

Compeared Thomas Glenney, Merchant in Aberdeen, and being Examined, Declared that this last winter he saw the said James Johnston once upon the Street with a white Cockade in his Hatt, Declares that some of the nights appointed by the Rebels for Rejoycings he saw the said James Johnston in the street with the mob. Tho: Glenie.

Will: Chalmers, Senr.

The Governours having Considered the foregoing Precognition, They appoint James Johnston to find Baill for his good behaviour, and to

appear at all times when called for, under the penalty of fifty pound Sterling, and to be Imprisoned till he find the said bill [bail].

Will: Chalmers, Sen^r.

Al: Thomson.

3^d June, 1746. In presence of the Governours.

There being a complaint given in ag^t the forenamed James Johnston for Spreading false Reports, and he being called upon by the Governours, and having absconded, and his Cautioners being desyred to produce him in terms of their Bailbond, and they having gone to the Countrey in Search of him, produced him before the Governours, and craved he might be Committed to prisone and they freed of their Bailbond. The Governours thought fitt previous thereto to examine what witnesses could be adduced ag^t him for spreading lyes and false reports. Accordingly Compeared Abraham Bryant, Centinel in Lord Semple's Regiment, who being Solemnly Sworn, purged of partial Council and Malice, Depones That sometime after the said James Johnston was bailed, he went to his house to ask if he had any Service for him in the weaving way, That among other Discourse Johnston asked him what news he had, to which the Deponent Answered he heard none, That thereupon Johnston replied he heard there was a Landing of french near London, and that the King's forces had better let Alone the House of some person (who was a Rebel) whose name he has forgott, because it was certain the Young Pretender, whom he called the Prince, had gott together Six thousand men in a Body, And that the whole Country was rising. Depones that this happened a considerable time after the Battel of Colloden, That upon hearing Johnston utter these Lyes, he the Deponent, and would not Serve him, and this he declares to be truth as he shal Answer to God.

Abraham Bryant.

Alex^r. Aberdein.

The Governours Considering what is above sett furth, with a Separat Petition from the said James Johnston's Cautioners, craving to be liberat from their bailbond, as also that James Webster, Indweller in Abdⁿ, Who is given up as another Evidence of his behaviour, Since his being bailed is out of Town, They therfor ordain him the Said James Johnston to be Imprisoned till farther orders.

Alex^r. Aberdein.

16 Aprile, 1746. In presence of the Governours.

Compeared James Irvine, Servant to William Booth, Shoemaker in Aberdeen, and being Examined, Refused that he was any ways concerned with the Tumults in Town, But Declares that upon Sunday the twenty-sixth day of January last he was called upon by William Murdo, Shoemaker, to goe two or three Miles to bring in some goods to Town, and the Declarant went along with Murdo to the Bridge of Don, where he mett with a great many people under the Command of Daniel Smith, Ane officer of the Rebels, and was forced by them to goe to Peterhead, and Returned to Aberdeen as one of the Guard to the Arms and Ammunition taken out of the Spanish Ship. Declares that John Strachan, Tayleor, Serv^t. in Aberdeen, Wm. Findlater, Shoemaker in Spittal, the said William Murdo, Christal, Son to Peter Christal, wright in Old Aberdeen, James Moir, Son to George Moir, late Town officer in Old Abdaⁿ, Wm. Edward, Shoemaker in Old Aberdeen, Hary Wight, Servant to James Thom, Taylor in Aberdeen, and a great many others were in Company, with the Declarant guarding the Arms and Ammunition. Declares that they were called by some of the Rebels when they came to Town, and desyred to enlist with them, which he and the other forsaid persons refused. Upon which they gott nothing for their trouble.

Will: Chalmers, Sen^r.

James Irvine.

The Governours Appoint the said John Strachan, William Murdo and Hary Wight, who reside within the Jurisdiction of this Town, to be called before the Governours and Examined on the facts Mentioned in the foregoing Declaration, and Appoints a list of others to be given to the Sheriff.

Alex^r. Aberdein.

The Governours Appoint a Precognition to be taken about James Irvine's being concerned in the Tumults in this Town during the Rebellion, and appoint witnesses to be called y^rupon.

Will: Chalmers, Sen^r.

Wherupon Compeared James Robertson, Maltster in Aberdeen, and being Examined, Declares that some of the nights appointed by the Rebels for Rejoycings this winter he saw the said James Irvine on the Street with the Rebel Mob.

James Robertson.

Will: Chalmers, Sen^r.

Compeared James Smith, Sadler in Aberdeen, and being Examined, Declares that one of the nights appointed by the Rebels this winter for Rejoycings he saw James Irvine and George Paton, Servant to Wm. Booth, Shoemaker, on the Street, Paton having a Broadsword and Irvine a big Cudgel in their hands, and Attacked the Declarant on the Street, and he heard Paton say here is Smith that damned Villian who has been with Loudon, let us cutt him in pieces. Upon which the Declarant fled, and Irvine followed him and catched hold of him, and drew his Cudgel twice or thrice to Strick him, but the Declarant gott of, this can be Attested likewise by James Robertson's Servants.

Will : Chalmers, Senr.

James Smith.

Comp^d. David McCulloch, Son to Roderick McCulloch, Town Serjeand in Aberdeen, who being Examined, Declares one of the Rebels Rejoycing Nights he saw Irvine and Paton with Sticks in their hands pursuing James Smith, Sadler, who was running away from them.

Will : Chalmers, Senr.

David McCulloch.

Compeared Robert Reid, Servant to Robert Joyner, Taylor in Aberdeen, and being Examined, Declares that one of the nights appointed by the Rebels for Rejoycings he saw James Irvine in the Tumults on the Street, having a White Cockade in his hatt, having a Cudgel in his hand, wherewith he Struck the Declarant.

Robert Read.

Will : Chalmers, Senr.

Frances Duthie and John Brown to be called on as witnesses ag^t. Irvine's carrying Arms.

Compeared George Paton, Servant to Wm. Booth, Shoemaker in Aberdeen, and being examined upon his being concerned with the Rebels and their Tumults in this Town, Declares some of the nights Appointed by the Rebels for Rejoycings, particularly upon getting Account of the Battel of Falkirk, he was along with the Mob in the Streets, and the following night he was on the Street with James Irvine, when they saw James Smith, Sadler, pass by, and Irvine said there is Smith who has been with Loudon. Declares that Francis Edward and George Jaffrey, Servants to the said Wm. Booth, were with him in the Mob.

Will : Chalmers, Senr.

George Patton.

The Governours appoint the said James Irvine and George Paton to be Imprisoned till further Orders.

Will : Chalmers, Senr.

Al : Thomson.

17 Aprile, 1746. In presence of the Governours.

Compeared William Murdo, Shoemaker in Aberdeen, who was Apprehended by the Guard on Suspicion of his being concerned with The Rebels, and being Examined, Declares that he was called upon by James Wilson, Stabler in Aberdeen, to goe out to Peterhead to Assist in bringing in the Arms from the Spanish ship that had come into that Port, Declares that he agreed to goe, and being desyred by James Wilson to look out for some other proper person, he went to James Irvine, Journeyman Shoemaker, and told him where he was going, and asked if he would goe along, which he agreed to doe. That they both went Accordingly, and came in as part of the Guard with the said Arms, and saw them delivered at the Guardhouse of Aberdeen to the Officer of the Rebel Guard. Declares that ever since that time he had no Correspondance with the Rebels, but lived peaceably at home working at his Trade. Declares when he went to Peterhead he had a White Cockade in his Bonnet, and gott two Shillings Sterling for his pains in going thither.

Alexr. Aberdein.

William Murdo.

The Governours Appoint the said William Murdo to be Imprisoned In the Tolbooth of Aberdeen untill further orders.

Alexr. Aberdein.

Will : Chalmers, Senr.

17 Aprile, 1746. In presence of the Governours.

Compeared Hary Wight, Servant to James Thom, Tayleor in Aberdeen, and being Examined, Declares that he was called upon by George Steell, Merchant in Aberdeen, to goe out to Peterhead to Assist in bringing in the Arms from the Spanish Ship that had come into that Port, Declares that he agreed to goe, And Accordingly he went out with a party of the Rebels to Peterhead, and Assisted in bringing the Arms to the Guardhouse of Aberdeen, where they were delivered to the Officer of the Rebel Guard. Declares that ever since that time he had no Correspondence with the Rebels, but lived peaceably at home working at his Trade, and that he was no ways Concerned in the Tumults in this Town.

Hary Wight.

Alexr. Aberdein.

The Governours Appoint the said Hary Wight to be Imprisoned in the Tolbooth of Aberdeen till further orders.

Alex^r. Aberdein.

Will: Chalmers, Sen^r.

21 Aprile, 1746. In presence of the Governours.

Compeared William Thom, writer in Aberdeen, who being called and Examined, Acknowledged that he was on the Street with a Mob on the twenty of January last, being the Prince of Wales Birthday, when the Town's Drum was beating thro' the Town for illuminations, And that he was in Company with Wm. Elphinston, Serv^t. to Dr. Gregory, and David Auchterlonny, Serv^t. to Andrew Skene, Chirurgion, and a great many others, when the Town's Drum was broke by the Mob, And the Declarant Acknowledges he was concerned in breaking of the Drum, farther Acknowledges that the said Mob break a great Many winndows that were illuminat, but Refuses that he broke any himself, except one window in Baillie Smith's house, Acknowledges that he went in to the Church by opening one of the windows in order to Stop the Kirk bells from Ringing, but the Bells were Stopped before he gott to them, And Refuses that he Struck any body on the streets that night.

Will: Thom.

Will: Cruikshank.

Comp^d. John Duncan and John Masson, white fishers in Futtie, who were Apprehended by the Guard, And being Examined, Acknowledged that they inlisted themselves as Soldiers in the Rebellion with Crichton of Achingoul, and that they accordingly Marched with the Rebels from this place to Inverness, where they gott Arms, and Served untill Tuesday, the 15th Current, that they deserted from the Rebels and came to their own houses on Saturday evening, where they remained untill they were Apprehended by the Guard, and Masson says that his father went yesterday's morning to the Minister of Futtie and Intimat his Surrendring himself prisoner in terms of his Royal Highness Declaration, and declared they cannot write.

William Mowat.

The Governours having Considered the Confessions of the saids William Thom, John Duncan and John Masson, appoint them to be imprisoned till funder orders.

James Morison, Jun^r.

William Mowat.

Compeared William Elphinston, Servt. to Dr. Gregorie, and acknowledges that he was in Company with Wm. Thom and David Auchterlonny with a great Mobb on the streets of this Town on the twenieth of January last at night. Acknowledges that he went thro' the Town with the mobb, and saw them break many windows, but denys that He broke any himself, that he saw James Sangsters hatt beat off, and a Pistol taken from him. Acknowledgs that he was with the mob when the Drum was broke, but knows not who broke her.

Will^m. Elphinston.

Thereafter compeared Duncan Verner, Son to Mr. David Verner, and made Oathe That the forsaid night the Twentieth of January he saw the said William Elphinston in the Mob, And that he held a Pistol to the Deponents breast and told he would shoot him if he did not hold off and go home, and this he Declares to be truth, as he shall answer to God.

Duncan Verner.

Compeared Robert Reid, Servant to Robert Joiner, Tayler, and made Oath, That the foresaid night of the mob he saw the said William Elphinston hold a Pistol to the said Duncan Verner's Breast, and swore by God he would shoot him if he did not hold off and go home, and this he declares to be truth, as he shall answer to God.

Robert Reid.

The Governours foresaid, in Respect of the foresaid Confession of the said William Elphinston and Depositions of the Witnesses, appoints the said William Elphinston to be imprisoned in the Tolbooth of this Burgh till further Orders.

James Morison, Jun^r.

William Mowat.

21 Aprile, 1746. In presence of the Governours.

Comp^d. David Auchterlony, Serv^t. to Andrew Skene, Chirurgion in Aberdeen, who being called and Examined, Declared that he was on the Street with the Mob on the twenty day of January last, being the Prince of Wales Birthday, along with the saids Wm. Thom and Wm. Elphinston, was present with the Mob when they Broke the Town's Drum, and went thro' the Street with the Mob when they Broke a great many windows that were illuminat. Acknowledges that he broke some of these windows himself.

David Auchterlony.

The Governours having Considered the Confession of the said David Auchterlony, Appoints him to be Imprisoned till further orders.

William Gordon, Junr.

William Mowat.

7 May, 1746. In presence of a General Meeting of the Governours.

There being an Attestation, signed by Dr. James Gordon, presented to them, bearing that Hary Wight is in such bad State of Health that his Confinement will very much Endanger his Life, The Governours, having taken his Case into Consideration, they Appoint him to be liberat out of prison upon his finding baill for his Appearance and good behaviour under the penalty of five hundred merks, and Wm. Johnston, Taylor in Aberdeen, being proposed as Cautioner, he was appointed to be Received.

John Auldjo.

22 Aprile, 1746. In presence of the Governours.

Lewis Petrie, Servant to Dr. Forbes, being brought by the Guard before the Magistrate for being concerned in the Mob on the twenty Day of January last, being the Prince of Wales Birthday, And he being Examined Thereupon, he Acknowledged that he was along with the Mob that day on the Street, but was not concerned in any Riot the Mob committed.

The Governours Appoint the witnesses to be Examined, whereupon Compeared Hugh Mackie, Stabler in Aberdeen, witnes, called and Sworn, Made Oath That on the twenty day of January last, when the Town's Drum was going thro' the Town for illuminating the Windows in Town, There was a Mob gathered about the Drummer, who broke the Drum, and the said Lewis Petrie toss the Drum with his foot, and thereafter he saw the mob goe into the College Kirk Closs, and heard them say that they were to stop Ringing of the College Church bell, and he saw the said Lewis Petrie goe alongst with them, and after they went into the said Closs the said Bell was Stopt. Thereafter he saw the said Mob goe to the Church to Stop the Ringing of the Church bells, and he saw the said Lewis Petrie with the Mob in the Church yeard. And this he Declares to be truth as he shal answer to God.

Heugh Mackie.

Compeared John Mestine, Huckster in Aberdeen, And being Sworn, made Oath that he saw the said Lewis Petrie on the Street with the Mob on the twenty day of January last, when the Town's Drum was broke, and thereafter saw him coming out of the College Kirk Closs with the Mob when they were Stopping the Ringing of the College Bell, and thereafter saw him in the Church yeard with the Mob endeavouring to get in to the Church to Stop the Ringing of the Church bell. And this he Declares to be truth as he shal answer to God.

Alex^r. Aberdein.

John Meston.

The Governours having considered the Deposition of the witnesses, they Appoint the said Lewis Petrie to be Imprisoned till further orders.

Alex^r. Aberdein.

Will : Chalmers, Sen^r.

13 May, 1746. In presence of the Governours.

Compeared David Russel, late Servant to John Stronach, Glover in Aberdeen, who was Apprehended by the Guard the tenth instant, And being Examined, Acknowledges that by the Advice of George Alexander, Glover, a Rebel, he inlisted in Capt. Crichton's Corps, but deserted from them, and thereafter, upon the Rebels Return to Aberdeen, he was taken up by them and obliged to goe North with them, but when they came to Elgin the Declarant again deserted from them and lurked ther about till his Royal Highness the Duke of Cumberland's Proclamation was published for Apprehending the Rebels, and then came to this Town, where he was Apprehended by the Guard, and declared he cannot write.

Andrew Logie.

Compeared William Williamson, Butcher in Hillhead of Blairs, who was Apprehended last night, And being Examined, Declared that about the end of Harvest last he was presst in to the Young Laird of Pitfoddles Corps in the Rebels Service by Donald Campbel and John Davidson, Servants to the Old Laird of Pitfoddles, and carried to Stonehive, where they were regularly payd by Samuel Midleton, the Old Laird of Pitfoddles principal Servant, who was on the head of that Gang for pressing Men. Declares he continued in this Service, sometimes at Stonehive, sometimes at Aberdeen, and went along with the Rebels to the Skirmish

at Inverurie, from thence Returned to Aberdeen, where some time after he and nine more of Pitfoddles Corps laid down their Arms at Pitfoddles Lodging, vizt: John Davidson, Donald Campbel, Magnus Toash, James Miln, George Collie, John Gordon, and three others whose names he has forgott, In presence of William Menzies of Pitfoddles, Elder, who desyred them to take up their Arms again, otherways he would cause cutt out their Ears and throw them into Prison, But he and his Neighbours went home at that time. Declares that about three weeks therafter Capt. Daniel Smith took the Declarant and confined him in prison, where he Remained two hours, and when liberat he inlisted with Captain Crichton and went North with the Rebels, and was in the Town of Inverness the time of the Battel of Colloden, and left his Arms there in his quarters, and was apprehended last night by a party of the Military in his fathers house, and declares he cannot write.

Andrew Logie.

Compeared Robert Knows, Salmond fisher in Craighead of Ardo, who was Apprehended by the Military, And being Examined, Declared that his Brother, Wm. Knows, Nathaniel Kynoch, and Andrew Sharp were the persons who broke up Mr. Nicolsons, Minister at Banchory, his house as they owned to him. Declares that he went along with his Brother, William Knows, who was in Arms, to Mr. Nicolsons house to demand his horse, but did not find him. Refuses that ever he was in Arms.

Robert Knows.

Andrew Logie.

Compeared Alexander Fleming, horsehyrer in Aberdeen, who was Apprehended last night by the Guard, and being Examined, Acknowledged that he inlisted with the Rebels in Capt. Crichton's Corps in the Moneth of December last, And marched with them to Perth, Returned with them to Aberdeen, And Marched North, and was with the Rebels at the Battel of Culloden, afterwards at Ruthven, and came to this Town, where he was Apprehended last night by the Town Guard.

Andrew Logie.

Alexander Fleming.

The Governours having Considered the Confessions of the saids David Russel, William Williamson, Robert Knows, and Alexander Fleming, Appoints them to be Imprisoned untill liberat by proper Authority.

Andrew Logie.

17 May, 1746. In presence of the Governours.

Compeared Alexander Lawson, in Badentoy, who was Apprehended by the Town's Militia upon the fifteenth inst. for resetting of Rebels, And being Examined, Declares that upon the thirteenth instant in the Afternoon His Brother, John Lawson, who was in the Rebellion under the Command of Mr. Moir of Stonnywood, came to his hous and Acknowledged he had been in the Battel near Colloden. Declares that he advised his Brother to goe to Aberdeen and Surrender himself, to which he Answered he would take it to Advise till next Day, That Accordingly the said John Lawson lodged at the Declarants house on Tuesdays night and went off on Wednesday, And has not seen him since nor knows where he is, And Refuses that he has harboured or lodged any other Rebels, And that his Brother left a pair of Breetches in his house when he went away. Declares he cannot write, which being Considered by the Governours, They Appoint the said Alexr. Lawson to be imprisoned till further orders. William Gordon, Jun^r.

29 May, 1746. In presence of the Governours.

Compeared James Mitchel, in Panmure, late Servant to David Ferrier, Merchant in Briecken, who was left in this place by the Guard that were conducting the Prisoners to Inverness on Account of his Sickness, and Acknowledged that he was in Arms with the Rebels, and was apprehended and Imprisoned in Montrose, And he being now Recovered, The Governours Appoint him to be Imprisoned in the Tolbooth of Aberdeen Untill he be liberat by proper Authority. Andrew Logie.

31 May, 1746. In presence of the Governours.

Compeared William Leith, Indweller in Aberdeen, who was last night Apprehended by the Town Guard, and being Examined, Acknowledged that he inlisted among the Rebels in Stonniewood's Corp and Marched with them to the Battel at Falkirk, and thereafter Marched North, And was at the late Battel near Colloden, and had stayed in the Parishes of Lumphanan and Kincardine. Declares that his Arms were taken from him by the Grants as he came South after the Battel, except a Hanger, which he delivered up to Mr. Chalmers, Bannacraig, one of his Majestys Justices of Peace, to whom he Surrendered himself the 21st of Aprile last. Will: Leith.

The Governours having Considered the Confession of the said Wm. Leith, They Appoint the said William Leith to be Imprisoned in the Tolbooth of Aberdeen Untill he be liberat by proper Authority.

John Auldjo.

Andrew Logie.

The above Wm. Leith Liberat by Lord Ancram.

4 July, 1746. In presence of the Governours.

Having Considered a Letter from Mr. Nicolson, Minister at Banchory, in relation to the within designed Alexr. Lawson, with ane Attestation from Andrew Skene, Chirurgion, Attesting his bad state of health in prison, They Appoint the said Alexr. Lawson to be liberat out of prison upon his Enacting himself to Appear when called for under the penalty of two hundred merks.

Alexander Robertson.

John Auldjo.

Andrew Logie.

2 June, 1746. In presence of the Governours.

Comp^d. Robert Nairn, Laxfisher in Aberdeen, who was called upon as being Suspected of being concerned in the late Rebellion and being out of Town for some time, And being Examined therupon, Declared That he was desyred by the Lady Craibston to inlist Men for her Son, who was then in the Rebellion, And the Declarant told her he would advise of it before he gave her ane Answer, And the same day being in the house of Thomas Burnet of Kirkhill, One of his Masters in the Raick fishing, he Mett by Accident with himself, and told him what the Lady Craibston desyred him to doe. To which Kirkhill replied That it was as much as his life was worth to doe any such, and desyred him to goe and mind his own affairs and not medle in these Matters, Upon which he never medled in that affair, but dissuaded such as he had occasion to converse with from entering into the Rebellion. Declares he stayed in his own house fourteen days after the Duke of Cumberland came to Town, And being told that the Duke was to take up such as frequented Nonjuring Meeting houses, he went out of Town, and returned to this Town the fifteenth day of May last, And during the time he was out of Town he was at the salmond fishings of Culter and Pitfoddels and nowhere else.

Refuses he was concerned any manner of way in the Rebellion or any treasonable practices.

Robert Nairn.

William Mowat.

The Governours Appoint the said Robert Nairn to find Caution for his good behaviour and Appearance when called for Under the penalty of two hundred Merks.

William Mowat.

Aberdeen, 4 June, 1746. In presence of Conveener Auldjo, one of the Governours of Aberdeen.

Compeared John Lawrance, apprentice to John Innes, Wright in Aberdeen, who was this day apprehended by Thomas Suttam, Joseph Shardman, and James Rods, of General Fleeming's Regiment, who being examined, acknowledges that in the beginning of October last he went away with his Master from Aberdeen to Edinburgh with the Body of Rebels commanded by Lord Pitsligo; that at Edinburgh he joined to the Company of Robert Sandilands in the Duke of Perth's Regiment; that he went along with the Rebels into England as far as Derby; that he returned with them back to Scotland; that he was in the Town of Stirling the time of the Battle of Falkirk; that he retreated north with them to Aberdeen thereafter; that he fell sick of a fever in his father's house in Aberdeen, and was not able to goe farther north with them when they retreated farther north from Aberdeen, but was carried privately on horseback from Aberdeen upon the approach of his Royal highness the Duke of Cumberland to the house of Robert Collie in the Parish of Oin, where he continued a full moneth; that ever since he has continued skulking from place to place, and was never with the Rebels since they went last from Aberdeen.

John Laurance.

John Auldjo.

The Governours having considered the Confession of the said John Laurance, they appoint him to be imprisoned till liberated by due course of Law.

John Auldjo.

11 June, 1746. In presence of the Governours.

Comp^d. John Morton, Chapman in Glasgow, and being examined, Declares that in the beginning of January last he was traveling with his goods, and being at Stonhyve, Alexander Garioch of Mergie got notice of him and apprehended him, and desired him to enlist in Sir Alexander Bannermans Company of Rebels, which the Declarant refused, whereupon Mergie threw him in prison and kept him there two days and a

night untill he engaged in the said Company. Declares he gott a gun and a Sword and Served in that Company Untill the beginning of March ; that he made his escape at Findhorn, and since that time he has been Sculking in the Country Untill the fourth instant ; that he was Apprehended by order of Mrs. Fordyce at Belhelvie and sent prisoner to Aberdeen, and has been in the Guardhouse since. Declares that he left his Gun at Findhorn, and gave his Sword to a Ministers Wife near Findhorn.

John Mōton.

Al. Thomson.

John Auldjo.

The Governors having Considered the above Confession, appoints the said John Moreton to be imprisoned till liberat by proper Authority.

Al. Thomson.

John Auldjo.

To the Right Honourable the Lord Justice Clerk.

16 August, 1746.

My Lord,

We were honoured with your Lops kind obliging letter of the instant, which gives us a new instance of your Lops sincere friendship and regard to our corporation, The members whereof would be most unworthy if they did not constantly behave with a gratefull resentment of your Lops favours on all occasions.

It gives us no small satisfaction to be honoured with your Lops approbation of our conduct with respect to the late riot committed here, and to hope for your protection and support therein Consistent with Equity and Justice, And we will endeavour to perswade our Inhabitants to be directed by your Lop's judgement, as there was never reason to doubt of your honourable intentions both to the publick and privat interest of the place, For it gives us a very feeling pain that such an unlucky thing should have happened to be done by the friends of the Government, and that there should be any difference among those who wish well to the same cause, As it gives occasion to the common Enemies to rejoice. We are very sensible of the great happiness our Country

enjoys by having the Earl of Albemarle to be Commander-in-Chief of the Forces in Scotland, whose prudence and benign humanity is much admired. We acquainted his Lop of the affair and sent him a copy of the precognition, But by his returns to us, He seems not to look upon the riot and insult in the same light we do, Nor yet to make great account of the dammages, Tho' upwards of Two hundred families have suffered thereby, and it is scarce possible to point out the disturbance that the breaking of the windows and throwing of Stones occasioned in the Night time in such a strong manner as it really was. Whether this is owing to the impression that the Officers have given Lord Albemarle of the thing, Or with a view to make us and our Inhabitants think little of what happened, We shall not say, Only we hope that his Lop/ will think more of it when he is better informed, And we beg to set in a true light an observation in your Lops letter, Namely, that the Officers were so sensible of their Error, That next day they came and submitted themselves and entered upon baill.

Whereas the true fact was that next day Not one Officer or Soldier came to us to make the least acknowledgement, However we judged it our duty to proceed in a legal, calm, peaceable way, And accordingly entered upon a precognition of the facts, which took us up most of the day, And having got pretty clear evidence against Capt. Morgan and Sergt. Wilson, we waited of [on] Lord Ancram at the Coffee-house and caused read over the precognition to him, and being informed that Capt. Morgan was to leave the place, we thought it proper to insist for baill for his appearance to answer to the riot complained of, which his Lop did not incline, but rather endeavoured to wave Capt. Morgan's appearance, whereupon we caused read the rioting act to him and insisted that he as Commanding Officer should sist Captain Morgan, at the same time we told nothing more should be demanded but a bail bond for his appearance. It was with reluctance that my Lord sent his Servant for Capt. Morgan, When he came we treated him with all marks of civility, Acquainting him we wanted nothing but baill for his appearance. Then Col. Jackson was sent for, who endeavoured to explain away the thing and burlisque the proceedings of the Court, and both my Lord Ancram and the Col. told we were under military government and the power of a civil Magistrat does not yet take place. They struggled hard against Capt. Morgan's finding baill, and insisted that prior to his finding baill,

we should make him prisoner in force, and actually laid us under a necessity to put him in the hands of the Town's Officers, who took his sword from him and carried him prisoner to the next room, This farce was really at the desire and by the procurement of Lord Ancram and Col. Jackson, It may be easily guessed with what view, for all along we told we wanted nothing but baill for the Capts appearance, and we were still ready to accept of Col. Jackson's security, which was granted at last. Thereafter we insisted that Serjt. Wilson should be delivered up, which Col. Jackson promised to do, Instead of which he sent him to the Country upon a party Industriously to rescue him from Justice. We proceeded with all the decency and moderation in our power, But the Officers were highly incensed and took all opportunities of resentment both against the Magistrates and Inhabitants, Particularly they returned all their burgher tickets to the Provost by a Common Serjeant, and no other reason can be found out for taking up Andrew Walker and Walter Nicol, Merchants of this place, but that Nicol was ane evidence anent the riot, and a pretence that the Governours appointed by H. R. H. the Duke had admitted them both to bail for a hundred pound st. each, whereas Capt. Morgan was obliged to find baill for Five hundred pound. This is what some of the Officers do not hesitat to tell openly, and if it be in the power of the Military to controul the proceedings of the Civil Magistrat at this rate, They may take up every individual at their pleasure who has been bailed or liberat by your Lop or any civil officer.

Your Lop was pleased to write to Lord Ancram by the last express we troubled you with, and accordingly the bearer delivered my Lords letter at Montrose, but instead of giving any satisfaction about the committment of Walker and Nicol he thought fitt to detain our express Sixteen hours at Montrose, and in the meantime ran another express forward to Aberdeen with orders to incarcerat them in the Tolbooth, where they remain without any order of committment. This we humbly submitt to your Lop, and are extreamely sorry to mention any complaints against Officers of the King's troops that should be the Guardians of our libertys, and we shall be heartily glad such things should be prevented for the future.

We have wrote to the Earl of Albemarle by this Bearer, and shall delay any Procedure against Capt. Morgan Untill your Lop have an opportunity of conversing [with] him on that subject, And we hope he will

think there is more in that affair than he seems to do by his letters to us. It will give us great pleasure if the affair could be accomodated in an amiable way for the honour and peace of the town and reparation of the loss sustained by the Inhabitants. We have spoke to L: Semple hereanent, who is much of the same opinion, and wishes the affair may be settled in a reasonable way, we hope to be very happy with him, as he is a Nobleman of great prudence and discretion.

We have great reason to offer many apologys to your Lop for our frequent troubles, and particularly for the length of this letter, which we begg ye may forgive, being intended to furnish your Lop with the truth of facts, in order to con with L. Albemarle. We have the honour to be with perfect truth,

My Lord,

Your Lops Most faithfull and obt. humble Sts.

*To the Right Honourable the Earl of Albemarle, Commander-in-Chief
of His Majesty's Forces in Scotland.*

16th August, 1746.

My Lord,

We were honoured with Two of your Lops letters from Fort Augustus Relating to the unlucky riot that happened here the First of this Month, and we beg leave once more to assure your Lop that we most heartily regrette the thing, Especially that it was done by the Officers and Soldiers of his Majesty's troops, for whom we have a high value and esteem, Looking on them as the Guardians of our liberties, But when they transgress the laws of the land and committ a notorious breach of the King's peace or do anything to oppress his Majestys peaceable and loyal Subjects, we humbly think they are not to be past over with Silence. Tis with no small reluctance and regret That we either complain of the conduct of Officers or Soldiers, Or that we should be obliged to apply the law to them for any Misdemeanour. We can scarcely describe to your Lop the atrociousness of the riot and the great disturbance it was in the town in the night time by the throwing of the Stones and breaking of the windows, wounding the Inhabitants in their beds with the Stones and intimidating all of them as if the whole town had been to be destroyed.

If it had only been a few panes of glass that had been broke as your Lop is pleased to insinuat, Neither we nor any of the Inhabitants would have taken the least notice of it, But there were many hundreds of panes broke, and upwards of 200 families have suffered on this occasion. Notwithstanding whereof the Officers principally concerned do not at all seem sensible of their trespass Nor show any inclination to make attonement for the riot or reparation for the dammages, But on the contrary show all marks of resentment as weel against the Magistrates as the Inhabitants. However, at your Lops desire, we have sisted procedure Untill ye have an opportunity of conversing with my Lord Justice Clerk on this Subject, and shall be heartily glad if any happy proposal shall be made for accommodating the affair in an amiable way Consistent with the honour and peace of the Town and repairing the dammages, As none desire more to live in peace and harmony with the King's troops than we do. Wee beg leave to Observe to your Lop/ that so far as we can learn there were no Illuminations the first of this Month in any Town of Scotland, And if we had thought it anyways necessary or had it been customary, wee would not have failed of our duty on that Occasion, As none wish better to the present happy Settlement than wee doe, And there was no illuminations in Town that Night Nor any intended to be Untill the bystanders heard Capt. Morgan give orders to Serjeant Wilson and the party to break the windows, That y^rupon Some of them run thro the Town and told their Acquaintances that if they did not putt up lights their windows would be broke, yet the Tavern where the Officers were drinking was not Illuminat till after a great many windows were broke.

We have had the honour of talking to Lord Semple on this affair, who regrets it much, and earnestly wishes it may be settled amicably, we hope to live in great peace and friendship with him. We wish everything that is good and agreeable to your Lop, and have the honour to be, with great esteem,

My Lord,

Your Lop's Most faithfull and obt. humble Sts.

Abd., 26 Decr., 1746.

My Lord,

We're honoured with your Lops of the 19 Current, and can say with the greatest truth, That We have it much at heart, to be in

a cordial understanding, and live in peace and unanimity with the Kings Troops and all the friends of the Government, We have been at more than ordinary pains to get that unhappy difference removed which was occasioned by what happened here the first of August last.

After communicating to Col^l. Jackson the last letter we have the honour of from your Lop/ He seemed to be of opinion That it was more natural for Cap^t. Morgan and the other Gentlemen pointed At in the precognition, To Sign the Reference for themselves than that he should be bound for them, However at last by the interposition of Messieurs Midlton and Duff the Referees, and upon our delivering up to the Collonell his bailbond for Cap^t. Morgan, He sign'd the Submission and taks burden on him for Cap^t. Morgan and the other Gentlemen of the Military concerned in the affair.

The Referees promise to meet and order upon the point in Dispute, howsoon Cap^t. Morgan and others concerned Return from the Command they are upon at present, and we flatter ourselves with a Decision, that will establish peace and harmony, which we're persuaded will be very agreeable to your Lop/. We're heartily sorry for the frequent troubles you have got in this affair, which we hope will now be soon at ane end.

We wish your Lop/ the Return of many happy years, and everything that's good and agreeable, and we have the honour to be, with perfect truth,

My Lord,

Yr Lops most faithful and most obedient
humble Servants.

To the Right Honourable
the Earle of Albemarle, Edinburgh.

XXI.

COPE'S BATTLE, 1745.

By an Eye Witness, supposed one of the Lord Forbes Family.

Having Leave of absence from General Read my Colonel, I was in Scotland Last Summer, when the Rebellion broke out, and on that occasion thought it my Duty, to offer my Service as a Volunteer, to Sir John Cope, which he was pleased to Accept, and I Join'd the Army under his Command near Inverness, on the fifth Day of last September, from thence the Army march'd to Aberdeen, and there Embarqu'd on Sunday the fifteenth ; we Landed at Dunbar Tuesday the Seventeenth, and there the Army halted till Thursday Morning, when we march'd to Haddington twelve Miles from Edinburgh ; On Fridday (sic) the twentieth, Sir John Cope march'd the Army from Haddington, with an Intention to Encamp on Musselburgh Links ; and my Lord Louden Adjutant General, Major Cawlfieid Quarter Master General, and my Lord Home, went forward to Reconnoitre the Ground for that Purpose, but they very soon Return'd and Informed the General, that the Rebels were on full March to attack us ; immediately Sir John Drew up his Army in order of Battle, in an Open Plain, about Seven Miles from Edinburgh ; The Field which the General Drew up in was about an English Mile Square, where Both Dragoons and Foot Could Act ; and very well Secur'd on all Sides to prevent any Surprize ; when we first Drew up the Front of the Army pointed South west, the village of Prestonpans and the Defiles Leading to it, and Colonel Gardners House in our Front ; The Town of Tranent with a Great many Coal Pits, Hedges and Ditches on our Left Flank ; Seaton House and a Narrow Defile Leading from Haddington in our Rear, and the Sea with the Village Cockenny on our Right Flank ;

And as Far as I Can Remember our Army was Drawn up as follows ; viz. : Two Squadrons of Colonel Gardners Dragoons on our Right, and

two Squadrons of General Hamiltons on our Left ; The Infantry was Dispos'd thus, five Companys of Col : Lee's Regiment on the Right, Col : Murray's Regtt on the Left, and Eight Companys of Col : Lascelle's and two of Genll Guises in the Center ; The Corps De Reserve consisted of five Companys of Highlanders and two Squadrons of Dragoons, one of Each Regtt ; The Rebels perceiving this Disposition, did not think proper to attack us, but turn'd off to the Right and March'd up the west End of Fawside Hill, and then advanc'd a little Eastward towards the Town of Tranent ; on which Genll Cope wheel'd the Army to the Left and Fronted Directly South, the Artillery being on our Left Flank, and March'd the Army Some hundred paces up towards Tranent ; In this Situation we Remain'd two or three Hours, the Rebels making Several Motions of no Consequence till about four a clock, they sent a Detachment to take possession of the Church of Tranent, and a little Bush of Trees adjoining to it ; On this the General order'd Lt. Colonel Whitford, who Commanded the Artillery, to advance two piece of Cannon and Dislodge them, which was very soon done, for after killing a few and wounding others, the Rebels retired to their Main Body ; Soon after the Rebels made Another Motion, westward, and March'd along Fawside Hill, with an Intention as we imagin'd to attack our Right Flank, through the Village of Prestonpans, and the Defiles Leading from Colonel Gardners House, immediately the General wheel'd the Army to the Right backwards and fronted west ; During which time the General sent me with one of his Servants to Reconnoitre them, and I rode about an English Mile west the Road Leading to Edinburgh, and in a Hollow way three of the Rebels on Horseback mett us, and two of them fir'd Pistolls at us, on which we Retir'd, apprehending there might be a Body of them in Ambush ; But we Could perceive their Main Body on Fawside Hill, marching and Countermarching in a Confus'd Manner, this I reported to the General ; The Rebels Soon after March'd to the East of the Town of Tranent, and about Sun Set appear'd Drawn up in Line of Battle, and immediately the General, wheel'd the Army up to the Left a second time, Facing Tranent, Expecting the Rebels to Attack us that night ; But as the Rebels made no Motion ; about Nine a clock the General Sent away the baggage with the Highlanders, to an inclos'd Field near Cockenny and order'd, the Adjutant General and Major Talbot the Field officer of the Day, to post the out Guards and Pickets, in the places that

were thought most proper, and the two Reserve Squadrons, the one towards Seaton on the Left, and the other towards the Village of Prestonpans on our Right, to prevent any Surprise from these Quarters, and after they were posted, the General went himself and view'd them ; In this Disposition we Lay upon our Arms all night, and every half hour the General who Continu'd in the Line, Received the Reports of the Patroles, About three a Clock the Field Officer Acquainted him, from the Report of the Patroles ; that the Rebels, were moving from their Ground Eastward, this was Repeated till about four, And about this time he Acquainted the General, that the Rebels, were moving Northwards, in order to Come and attack our left Flank ; The General immediately order'd the Line to stand to their Arms, and wheel to the Left, The Dragoons by Squadrons and the Foot by Platoons, which they Performed very Quickly and with great order ; He at the Same time Sent orders to the out Guards and Picketts, to return to the Line ; When the Artillery was posted, and the Line pretty near Form'd, the General rode from the Right, to the Left in the Front, Encouraging the Men, begging them to keep up their Fire, and keep their Ranks, and they would easily beat the Rebels ; He then went to Hamilton's Dragoons, who were Coming to their Ground on the Left, and observing that their Swords were not Drawn, the General was very angry, and sent me forward with orders to them to Draw their Swords, and hast up to their Ground in the Line, By this time the Day was so far dawn'd, that we Could perceive the Rebels running very fast, formed in Columns ; the Column on their Left a good way more advanc'd than the others, Came up directly to Our Cannon, and while they were Coming up, Col : Whitford, who for want of Gunners, was oblig'd to point and Fire the Cannon himself, fir'd Several shot at them ; The General after Seeing Hamilton's people on their Ground, and observing the Action begun on the Right, Gallop'd thither, and by the time he got to it, the Artillery Guard and Gardner's Dragoons, were in Confusion, We Endeavour'd to get them into order but it would not Do away they Run ; The General then attempted to keep the Foot together, but they having their Right Flank, exposed by the Flight of the Dragoons, were Likewise Seiz'd with a Pannick ; They gave their Fire Somewhat Irregular, and went off from the Right ; Finding no good to be Done with the Foot ; The General went again to Gardners Dragoons, who were stopt from Running Clear off the Field, by

Mr. Erskine of Grange's Park walls and Did all he Could to prevail with them to Rally, but to no purpose ; They stood Some Minutes with their Croops to the Enemy, and then broke away by the Defile that Leads by Col: Gardners House, The General Return'd a Second time, to Endeavour to Rally the Foot, but they were Intirely broke, and most of them he mett had thrown away their Arms ; Upon this the General went to a Field, a little to the west of Preston Pans, where Lord Home and Lord Louden had got about four hundred and Fifty of the Dragoons to Stop, and it was Resolv'd to attack the Rebels with them, but as Soon as a Small Body of the Rebels appear'd to the west of the Town, the Dragoons Could not be brought to move towards them, on which it was thought proper to go off, and the Retreat was made with Decency ; we halted at Lawder, and Lay at Coldstream and Cornwal that night, and next day, being Sunday the twenty second of September, we march'd to Berwick upon Tweed.

XXII.

JOURNAL of the Marches of His Royal Highness the Prince Regent's Army, from the Time they entered England the 8th of November, till their Return to Scotland, the 20th December, 1745.

His Royal Highness entered *England*, *Friday* the 8th Day of *November*, in the Evening, and quartered at *Redings* all Night.

The 9th, His Royal Highness passed the Water of *Eden* at *Rockley*, about Two in the Afternoon, with the first Column, and quartered that Night in the Villages West from *Carlisle*.

The next Morning, being *Saturday* the 10th, *Carlisle* was blockaded on all Hands, and the Cannon were brought up, in order to raise a Battery that Night, but Intelligence being come, that General *Wade* was marching towards *Carlisle*, His Royal Highness went early on Monday the 11th, to *Brampton*, being seven Miles on the Road to *Newcastle*, in order to meet Marshal *Wade's* Army, and give him Battle: But, after waiting there two Days, and having certain Intelligence that the Troops near *Newcastle* declined coming forward, His Royal Highness ordered *Carlisle* to be again blockaded, which was done accordingly by Half of the Army on *Wednesday* Night, being the 13th, whilst His Royal Highness continued with the other Half at *Brampton*, as the most convenient Post to attack the Enemy, had they ventured to relieve *Carlisle*. The Trenches were opened that Night at about Musket-shot from the Walls of the Town, about Midway betwixt the *English* and *Scots* Ports, and thirteen Cannon were brought up, in order to batter the Town; but this was prevented by the Town's Capitulating on *Thursday* the 14th, and His Royal Highness's Troops took Possession of the Town and Castle on *Friddy* (sic) Morning, after the Town got full Security for their Liberties, &c. according to the Capitulation. During both Times that *Carlisle* was blockaded, there was but one Man killed, and one

wounded. The Militia that served in *Carlisle*, all the Inhabitants of the City, as well as the Neighbourhood, can testify the exact Discipline of his Royal Highness's Army, who paid for every Thing. All the Subjects were protected in the full Enjoyment of their Liberties and Properties.

His Royal Highness, with his Army, halted at *Carlisle*, and the Neighbourhood, till the 20th, of *November*, which Day the Van marched to *Penrith*.

The 21st, the Van went to *Shap*, and the main Body came to *Penrith*.

The 22d, the Van marched to *Kendal*, and the main Body halted at *Penrith*.

The 23d, the main Body came to *Kendal*.

The 24th, the Van marched to *Lancaster*, and the main Body halted at *Kendal*.

The 25th, the Van marched to *Preston*, and the main Body to *Lancaster*.

The 26th, the Van passed *Preston*, and quartered at the Village on the other Side of the Bridge, and the main Body came to *Preston*.

The 27th, the whole Army halted.

The 28th, marched to *Wiggan*, and the Villages near to it.

The 29th, all the Army marched to *Manchester*, halted there the 30th.

The 1st, December, the Army marched to *Macclesfield*.

The 2d, the Van marched to *Congleton*, (within nine Miles of *Newcastle Under-Line*), where the main Body of the Duke of *Cumberland's* Army lay, from which a Detachment was sent towards *Newcastle* for Intelligence, and within three Miles of that Place, the said Detachment took Mr. Wear (or Weir) their Principal Spy, Prisoner, and brought him to *Congleton*, upon which the Duke of *Cumberland's* Army retired to *Litchfield*. The Prince Regent having Intelligence of his Retreat from *Newcastle Under-Line*, marched for *Derby* by *Ashburn*.

The 3d, the Van marched to *Ashburn* by *Leek*. The main Body rested the 2d at *Macclesfield*, and marched the 3d to *Leek*. And,

The 4th, the whole Army went to *Derby*, where they stayed all the 5th; and in a Council of War held in his Royal Highness's Presence, Dispatches of Importance being received, it was resolved to return to *Scotland*; and the next Day, being the 6th, they returned to *Ashburn*.

The 7th, they marched to *Leek*, and on the 8th to *Macclesfield*.

The 9th, the whole Army marched to *Manchester*.

The 10th, they marched to *Wiggan*, and the 11th, to *Preston*, where they halted the 12th.

The 13th, marched to *Lancaster*, halted the 14th; which Day a reconnoitring Party took two of the Duke of *Cumberland's* Men, called *Rangers*.

The 15th, marched to *Kendal*.

The 16th, the main Body of the Army was at *Shap*, but the Rear Guard were obliged to stop at a Farm four Miles from *Kendal*, by Reason that a great many of the Carriages, and particularly the four-wheeled Waggon, in which was Part of the Ammunition, could not be forwarded because of the Steepness of the Hill, and Badness of the Road; But small Carts being got next Day, and the Ammunition being shifted from the broken Waggon, they came that Night to *Shap*, being the 17th, the main Body having gone to *Penrith* that Day.

The 18th, the Rear Guard joined the main Body at *Penrith* in the Evening. They saw several Parties of the Enemy that Day, but upon the Approach of the Rear Guard they always retired: Tho' once, a considerable Body of Light-Horse formed upon the Road, in order to stop their Proceeding; but, upon some of the *Highlanders* throwing their Plaids, and running to attack them, they went off at the Gallop, and shewed that Horse could run faster than Men, one of them only having been killed. After the Baggage was sent to *Penrith*, a Battallion of Foot and some Horse, went thro' Lord *Lonsdale's* Parks of *Lowther*, thinking to find some of the Light-Horse about his House, as he was Lord Lieutenant of the County; Accordingly some of them were seen at a Distance, but rode off upon Sight of the *Highlanders*: Some Shots were fired after them. At the same Time, some Parties scouring the Parks, took a Running Footman of the Duke of *Cumberland's*, and another Person clothed in Green, who appeared to be an Officer; who informed that the Duke of *Cumberland* was within a Mile, with about 4000 Horse and Dragoons, besides Light-Horse and Militia; upon which Lord *George Murray*, who always commanded the Rear Guard, took Possession of a Village called *Clifton*, being a Mile from Lord *Lonsdale's* House, upon the Highway to, and two Miles short of *Penrith*. By that Time the Enemy form'd upon an open Muir, facing *Clifton*, and within half Cannon-Shot; where they continued for a considerable Time: At last, about an Hour after Sun-set, they dismounted several of their

Dragoons, who came to the Bottom of the Muir, and lin'd the Hedges and Ditches that were next to it. There was a pretty smart Fire on both sides, for about half an Hour ; but at last the Dragoons firing very fast, a Battallion of *Highlanders* was ordered down Sword in Hand upon them, with Orders to drive them from their Posts, but not to advance upon the Muir. Accordingly they went on with the greatest Alacrity and Swiftmess, and after passing two Hedges, drove them from the third, which was the last of all, and then returned, as they were ordered, to their former Posts. But twelve of the *Highlanders*, having past the bottom Ditch, and run up the Muir, are still a-missing, which is the whole Loss on their Side. How many of the Dragoons were killed and wounded is uncertain ; but several Circumstances, such as Broad-Swords taken from the Dragoons, and the Report of the Wounded dressed at *Penrith* next Day, cannot be less than a hundred.

Night being come on now, both Sides retired. The four Battallions of *Highlanders* joined the main Body at *Penrith*, the next Day, being the 19th, the whole Army arrived at *Carlisle*, where they left a Garrison ; and the 20th, past the Water of *Esk*, which was very high about Three of the Clock in the Afternoon. All this Time the Enemy never appeared ; what they met with near *Penrith*, had disgusted them from too near an Approach of His Royal Highness's Army, which quartered in two different Columns that night ; The one with his Royal Highness at *Annan*, and the other at *Ecclefechan*.

It is certain, that by all Accidents, such as Deaths, by Sickness (of which 'tis believed there were more in one Day in General *Wade's* Army, than was in six Weeks in his Royal Highness's Army) and the People that went astray in Plundering (which notwithstanding all the Officers were able to do, could not be entirely prevented) and were not heard of again, that his Royal Highness's Army did not lose forty Men in the Expedition, including the Twelve at *Penrith*. Upon the Whole, never was a March performed with more Chearfulness, and executed with greater Vigour and Resolution ; which (next to the visible Protection of Almighty God) was owing to the Example shewn by his Royal Highness who always marched on Foot at the Head of his Men.

XXIII.

A PLAIN, general, and authentic account of the Conduct and Proceedings of the Rebels, during their stay at Derby, From Wednesday the 4th, till Friday Morning the 6th Dec., 1745.

On Wednesday the fourth of December, 1745, about Eleven o'clock in the Forenoon two of the Rebels Vanguard rode into the Town of Derby, and at their Entrance into it, gave a Specimen of what was to be expected from such a Set of Villains, by seizing a good Horse belonging to young Mr. Stamford, whose Servant being mounted thereon, and riding from them, was pursued and taken, by the Horse's falling down: After which they enquired for the Mayor's House, and demanded Billets for 9000 Men, or more; then rode to the George Inn, where several Persons were employed in preparing Billets according to their Orders.

In a short Time after, their whole Van-Guard came in, consisting of about 30 Men (besides Officers and their Servants); they wore Goldlaced Hats, with white Cockades, were cloathed in Blue, faced with red, had on scarlet Waistcoats, trimmed with Gold Lace, and most of them being likely young Men, made a handsome Appearance. They were drawn up in the Market-place, and sat there on Horseback near three Hours; during which Time they ordered the Bells to be rung, and Bonfires to be made, which was done accordingly, to prevent any Mischief which might have ensued on a Refusal.

About three in the Afternoon Lord Elcho, with the Life-Guards (as they were called) and many of the Chiefs also arrived on Horseback, to the Number of about 150, most of them cloathed as above; These made a fine Shew, being the Flower of their Army. Soon after their main Body also marched into Town, in tolerable Order, six or eight abreast, with about eight Standards; most of them were white Flags with a red Cross. They had several Bag-Pipers, who played as they marched along,

and appeared in general to answer the Description frequently given of them, viz. : A Crew of shabby, lousy, pitiful-look'd Fellows ; mixed up with old Men and Boys ; dressed in Dirty Plaids, and as dirty Shoes, without Breeches ; and wore their Stockings, made of Plaid, not much above half way up their Legs, some without Shoes, or next to none, and with their Plaids thrown over their Shoulders, (divested of their Arms) they appeared more like a Parcel of Chimney Sweepers than Soldiers. Whilst the Market-place was filled with them, they ordered their pretended Prince (before he arrived) to be publickly proclaimed ; and insisted upon the Magistrates who came without their Gowns, that they should appear in them, but being told, they had sent them out of Town, were content to have that Ceremony excused ; after which he was proclaimed by the Common Cryer.

About the Dusk of the Evening their Prince, as they called him, walk'd on Foot into the Town, attended by a great Body of his Men, who conducted him to his Lodgings (the Lord Exeter's) where he had Guards placed all round the House. Most of the Houses was by this time pretty well filled (though they continued coming in till 10 or 11 at Night) and many of them were illuminated ; some that were not had their Windows broke by the Rebels.

Their Chiefs were entertained at the principal Houses, viz. : The Marquis of Tullibardine, commonly called the Duke of Athol, had his Lodgings at Thomas Gisborne's, Esqr. The Duke of Perth, at Madam Rivett's. Lord Elcho at Mr. Storrer's. Lord Geo. Murray, at Mr. Heathcote's. Lord Pitsligo, at Mr. Meynell's. Old Gordon of Glenbucket, at Mr. Alderman Smith's. Lord Nairn, at Mr. John Bingham's. The Ladies Ogilvie, Murray, &c., at Mr. Francey's ; and their other Chiefs and Great Officers, were lodg'd at the best Houses. Some common, ordinary Houses had 30 and 40 Men each, some Gentlemen 100, and others none at all ; which Irregularity was occasioned by their giving out, and ordering Billets to be prepared for some Thousands more than there were.

We were obliged (notwithstanding our Aversion to them) to treat them as we would have done our best Friends, and at their first coming in, generally set before them Bread, Cheese, Beer, and Ale ; whilst every Family were employed in providing Hot Suppers, and preparing convenient places to lodge them in, some being content to lie upon

Straw, and others insisted upon Beds. The Discourse of most of them with one another, was unintelligible to us, great Numbers not being able to speak a Word of English ; but talked a Language called Earsh or Wild Irish. After Supper, many of them being much tir'd with their long Day's March from Leek, (near 30 Miles) they went to Rest.

Being refreshed with a Night's Sleep, they were very alert and brisk the next Day (Thursday) running about from one Shop to another to buy Tradesmen's Goods, which they mostly insisted upon having at their own Prices, viz. : Gloves, Handkerchiefs, Powder-Flasks, Buttons, Buckles, Shoes, &c., and from some Shops they stole several Things. It was common amongst them to stop People and demand their Shoes from off their Feet, if they liked them better than their own, and not giving any Thing, or however what they pleased for them. The longer they staid, the more insolent and outrageous they were, demanding at many Houses almost every Thing by Threats, drawn Swords, and Pistols clapped to the Breasts of many Persons, not only by the common Men, but also by some of their Officers ; so that many Persons were obliged to abscond to preserve their Lives. Many Persons were taken into Custody upon the least refusing to comply with what they demanded ; nay, even for any Thing they had a Mind to charge them with.

They ordered the Cryer to make public Proclamation round the Town, for all Persons who paid any Excise, to pay what was due by 5 o'Clock the same Evening, at the Virgin's-Inn, on Pain of military Execution ; by which Means they collected a considerable Sum of Money, tho' several Persons escaped paying any, and some, by their good Management, paid only Part of what was due. They also demanded what Money the Gentlemen had lately subscribed and paid towards raising 600 Men in this Town and County, for the Defence of his Majesty King George, which obliged many Gentlemen to repay. They likewise made a Demand of 100 l. from the Post-Office, which being refused them, they abated 50 l. and insisted upon that Sum being paid ; but that not being complied with, they not only threatened, but attempted to take away the Life of the Drawer of the George Inn, (who had the care of the Post-Office at that Time) so that to save his Life he was obliged to jump out of the Chamber-Window into a neighbouring Yard, whereby he made his Escape when they were pursuing him : However they seized the travelling Post-

Chaise, and took it away with them ; but left it upon a Common between Ashborne and Leek, from whence it has since been brought back.

At several Gentlemen's Houses they broke open their Closets, Chests, Boxes, &c. ; took away all their Guns, Pistols, Swords, and all other Arms they could find in almost every House ; from some of which they pilfered and stole Money, Rings, Wearing Apparel, Linens, Stockings, &c. They drank great Quantities of Beer, Ale, Wine, and Drams, so that many Cellars which were well-stored at their coming to Town, had nothing but empty Casks at their leaving it. They also destroyed great Quantities of Hay and Corn, for which some paid, and others would not pay any Thing.

They were esteemed very civil Fellows who did not threaten at their Quarters, but went quietly away without paying them ; and those that did pay, it was so small a Matter, that it was scarce worth the accepting. In short, they committed so many Outrages, that were they to be particularized, would much exceed the Bounds of this Paper.

About six o'Clock on Thursday Evening they appointed Prayers to be read at the Great Church, which was accordingly performed by Parson Cappoch of Manchester, since taken amongst the Rebels at Carlisle.

The same Day they beat up about the Town for Volunteers, offering Five Shillings Advance, and Five Guineas more *when they came to London*, but met with very little Success ; only two or three Fellows entertained, who served their new Master but a short Time, two of them being taken the next Day, viz. : one Cook a Journeyman Blacksmith, who was seized and committed to Nottingham Gaol ; The other is one James Sparks of this Town, who was taken at 'Squire Meynell's, at Bradley near Ashborne, brought on Saturday Night to Derby, and being examined before our Justices, was committed the same Night to Gaol : When they were taking him thither, the Populace shewed so just an Abhorrence of his Actions, that it was thought they would have tied him up before they got him into Custody. The third was one Edward Hewit, a Butcher, who 'tis supposed is taken prisoner at Carlisle. These, and some other such like Fellows, were thought to be our worst Enemies ; who by their Informations, enabled the Rebels to do us the more Mischief.

As the Rebels had secured the Pass over the Trent at Swarkstone-Bridge, it was generally expected they would have continued their Route to London ; but probably they received, on Thursday, such

Advice, of the Situation and Strength of the Duke of Cumberland's Army, as determined them to retreat ; for that Evening their Chiefs and Officers appeared to be in great Hurry and Confusion, and held a Council of War at their pretended Prince's Quarters.

Early the next Morning (Friday) the Drums beat to Arms, for their Horsemen to be ready to march, and soon after their Bag-Pipers played about the Town for the Foot, to the great Joy of the Inhabitants, who were now in hopes of being speedily quit of their unwelcome Guests. About seven they began to march (to our surprize) back towards Ashborne, the Way they came.

The pretended Prince, in a Highland Dress, mounted upon a black Horse (said to be the brave Col. Gardiner's, who was killed at the Battle of Preston-Pans) left his Quarters about nine o'Clock, and riding across the Market-place, attended by some of his Chiefs, went up the Rotten-Row, then turn'd down Sadler-gate towards Ashborne, preceeded and followed by the main Body of his Army.

They were all marched out of Town (except a few Stragglers) by eleven o'Clock. Their Hussars, were a Parcel of fierce and desperate Ruffians, and were the last Body that went out of Town. They rode out to the neighbouring Villages, plundering many Gentlemen's Houses of their Arms, Horses, &c. The honest Farmers in the Neighbourhood are also great Sufferers, the Rebels having taken such a Number of Horses from them, that some of the them have scarce one left.

In their Flight from hence they left a few bad Horses, several Swords, Pistols, Targets, Powder, Bullets, and other odd Things behind them at their Quarters ;—a plain Proof of their Confusion.

Amongst the many Prisoners that were confined under a Guard at their pretended Prince's Quarters in Derby, was one Mr. Birch, an eminent Linendraper in Bucklersbury, London, whose miraculous and providential Escape from the Rebels ought to be particularly mentioned. Mr. Birch, from his Loyalty and Zeal for the present Government, having joined the Duke of Cumberland's Army, then in Staffordshire, in order to get the best Intelligence he could of the Designs of the Rebels, came here the Day before they came to Town, and sent his Horse 3 or 4 Miles off, staying himself till most of the rebel Army was come in, and then set out to give his Royal Highness the Duke an Account of his Proceedings.

On Thursday Night he came again for a second Reconnoitre, but was taken Prisoner on the Nun's-Green by some of the Artillery Guard, and whilst they were examining him, he was discovered by one of the Manchester Villains who had joined the Pretender, (Mr. Birch being born at Manchester, and whose Father is at this Time a Gentleman of considerable Fortune there) and well knowing his Zeal for the present Government, informed the Rebel Officers of it, who thereupon committed him Prisoner. The next Morning, before it was light, whilst the first Part of their main Body were marching out of Town (taking a favourable Opportunity) he leapt out of a Window about six yards from the Ground, into Lord Exeter's Garden, and going down to the Bottom thereof, where the River Derwent runs, with great Difficulty and at the Hazard of his Life, made his Way into the neighbouring Gardens; but in one Attempt his Hold failing, he fell backwards into the River, and being a good Swimmer, swam to some Steps leading to a Gentleman's Garden, which he took the Advantage of, and went into; but not thinking himself safe long there, stripped himself quite naked (tho' a very cold Morning) leaving his Cloaths, with a Gold Watch, and some Money behind him (which the Rebels hearing of took away with them) he then went into the Derwent again, which River he followed, sometimes in and sometimes out of it, as far as Alvaston, (about 4 Miles by Water) when he came there he took Refuge in a good House; where the Family, after their Surprise was over, took all imaginable Care of him; but apprehending he was pursued, went to another House, where being provided with Cloaths, and a Friend lending him a Horse, he escaped to Nottingham out of the Reach of all his Enemies; and has since made a grateful Return to those who kindly assisted him in his Distress.

Many other Prisoners whom they seized here, they forced to march on Foot to Ashborne, without allowing them any Subsistence, or permitting them to purchase any while amongst them; when they came there they were tried by a mock Court Martial, and being acquit, were dismiss'd, and returned next Day.

Just after the Rebels were all gone, most of the Houses of the Inhabitants look'd like Stables or Pigsties, and stunk much worse, from the Loathsomeness of many of their Fellows, who were so nauseous, that to Publish the Particulars would be indecent; and were there nothing else we disliked them for, this would be sufficient to turn the Stomack of any Englishman against them.

For a Day or two after their Departure, People were not entirely rid of their Fears, of a second Visit from them ; the Town having been much terrified a little Time after they left it, by the Return of some of their Hussars (upon a Complaint received that the Bills they had given to several Persons upon the Corporation for their Quarters, were refused Payment) and riding up to a certain Gentleman's House in the Market-place, threatened him and his Family with immediate Death, and to burn the Town, if they did not comply with their Demands. The Gentleman was happily out of the Way at that Time ; however, they received some Promises from the Family, they rode off, after some terrible Threatenings.

In order to get as certain an Account of the Numbers of the Rebels, whilst here, as it was possible, several Gentlemen have since been at the Trouble to go from House to House, in their respective Parishes, to take down the Numbers lodg'd at each ; and the whole were computed at 6620, including Women and Children. Their Artillery were 13 Pieces of Cannon, 18 covered Carts, some Waggon, &c.

By an exact Account of the Money they collected for Excise, 'tis certain it amounted to no more than Six Hundred, Sixty Five Pounds, Twelve Shillings, and Eight-pence Three Farthings. And the Subscription Money to between Five and Six Hundred Pounds.

Derby : Printed by J. Drewry, in the Market-place.

XXIV.

THE BATTLE OF FALKIRK.

As no Body can form a well-grounded Judgment, without hearing the Evidence on both Sides, the partial and impartial World are desired to read the two following Relations, and then give Verdict, according to their Consciences.

A.

From the Caledonian Mercury.

Edinburgh, Jan. 20, 1746.

Saturday Morning came Advice to Town, That his Excellency Lt. General *Hawley* came up with the Rebels on *Friday* the 17th current. And as the following Account of the Action betwixt his Majesty's Forces and the Rebel Army, about a Mile to the Westward of *Falkirk*, was transmitted to us this Morning, we are desired to publish it Verbatim, *vis.*

Thursday last the Army, under General *Hawley*, having assembled near *Falkirk*, encamped to the Westward of that Place, and about One o'Clock on *Friday* there were repeated Informations of the Intelligence that Morning received, that the Rebels were marching by the South Side of the *Torwood* towards *Dunipace*. These Accounts being confirmed, the Army was immediately drawn up in Order of Battle, and marched Southward to meet them.

The Action began Half an Hour after Three. The Dragoons made the Attack with the Appearance of great Resolution, but, upon receiving the First Fire, retired towards the Right, and many of them fled ; this, with a violent Storm of Wind and Rain, which blowed full in the Face of the Troops, put the Foot of the Left Wing in great Disorder. This

Confusion being immediately perceived by the Officers on the Right, they, without Loss of Time, marched to stop the Progress of the Rebels, which they effectually did ; and by their good Conduct, and the Alertness of some Corpse, drove them by a continued Fire from the Field with the utmost Precipitation. In the meantime the disordered Infantry was rallied. The Rebels gave them nothing to do. The Right Wing was entire Masters of the Field, where the whole of the Troops continued till it was near dark, a full Hour after all Firing was ceased ; but finding that the Rain had greatly spoiled their Arms and Ammunition, it was judged proper to pursue their Advantage no farther ; and for want of Provisions and Ammunition, the Army marched that Night to *Linlithgow*, and continued its March next Day to *Edinburgh*.

The Loss of the Regular Troops, by the best Computation, does not exceed 200 ; and by all Accounts the Rebels have at least lost double that Number.

The Regiments that most distinguished themselves, were *Barrel's* and *Ligonier's* Foot.

We hear that several of the Officers taken at the Battle of *Gladsmuir*, and confined in the House of *Glamis*, &c., are come to this Town.

In the same News-Paper there is the Elector's Speech from the Throne, containing the following Passage, *vis. The precipitate Flight of the Rebels from this Part of my Kingdom, before a small Number of my Troops, must greatly dispirit their Followers.* Now, it is notorious to all *England*, That from the Time the Loyal Army under the Prince Regent advanced within Reach of their *unnatural* Enemies, These *fled* with *Precipitation* from *Congleton-Stone*, and *Newcastle* Under-line, and continued their *precipitate Flight*, breaking down the Bridges behind them, till His Royal Highness thought fit to *return* from *Derby* into *Scotland*.

He returned by slower Marches than he advanced, halted a whole Day at *Preston*, and another at *Lancaster*. This indeed gave Time to the Rebels Cavalry to recover their spirits, and face about : They accordingly came up with our Rear at *Penrith*, but were so well received, that they did not think proper to disturb us any more, tho' we halted again at *Carlisle*.

When we came to *Scotland*, we found *Followers*, enough to double our Numbers ; and how far they were *dispirited*, let those who durst look 'em

in the Face near *Falkirk*, and had the good Luck to survive it, give an Account, if they can venture to do it, after the *severe Orders* published to the Contrary.

It is not *unnatural* to suppose, that these wonderful Narratives dropt from the same fruitful Imagination, to which we are indebted for the following Pieces, viz.: *Father Graham's genuine Letter from Perth! The young Chevalier's Levee at Edinburgh! George Kelly's Speech to the French King! The Duke of Perth's Harangue in a Council of War at Brampton!—cum multis aliis.*

B.

A Short Narrative of the Battle of Falkirk.

Falkirk, Jan. 17, 1746.

Early this Morning, his Royal Highness Charles, Prince Regent (having left his Grace the Duke of *Perth*, with several Battalions, to push on the Siege of the Castle of *Stirling*) drew up his Army in Line of Battle, a Mile East from *Bannockburn*, which was the Head Quarters, being inform'd, that the Enemy, who were encamp'd at four Miles Distance, a little below the Town of *Falkirk*, were advancing to give him Battle: But finding about Mid-Day they did not move, he resolved, in a Council of War, to march and attack them. And immediately Lord *George Murray* marched at the Head of the Army in two Columns, holding above the *Torwood*; as the high Road, leading from *Stirling* to *Falkirk*, was too narrow. The Army passed the Water of *Carron* at *Duniepace*, the two Columns keeping always an equal Distance of about two hundred yards; they were then in Sight of the Enemy, being about two Miles and a Half distant. At the same Time Lord *John Drummond*, who commanded the Left Wing, had gone with most of the Horse, to reconnoitre the Enemy, and made a Movement, as intending to march the Highway thro' the *Torwood*.

The two Columns continued their March without the least Stop, and went up the Hill of *Falkirk* to take the Advantage of the Wind and rising Ground. The Enemy were perceived to be in Motion from the Time we past the Water, and were marching up the Hill. Their Cavalry

being in their Front and a good Way before them, had now taken Possession of a rising Ground opposite to our Right, and within half Cannon-shot; upon which we immediately formed, being betwixt three and four o'Clock in the Afternoon. As it was believed their Foot were forming close behind them, Orders were given by his Royal Highness for the first Line to march softly forwards (the second Line keeping the usual Distance) to drive them from that Eminence; which was done accordingly, with the utmost Regularity and Exactness; for when they were within Pistol-shot, the Dragoons bore down towards us at the Trott, in order to break us; then our Men gave Part of their Fire so *a propos*, that they entirely broke them, doing great Execution.

So soon as our Men who had fired their Muskets again (which they did in their March) they advanced to attack the Infantry: But the Ground was so unequal, being interspersed with Risings and Hollows, that they could not perceive what was doing on their Left, only heard the Firing upon that Side.

Our Left not being fully formed when the Attack began on the Right, a considerable Body of the Enemy's Horse came up also, to attack them; but receiving Part of their Fire, they broke and run off. Their Infantry coming in upon that Side with six Pieces of Cannon, were attack'd by some Battalions, who receiving the Fire of the Enemy, went in, Sword-in-Hand, and drove them down the Hill with great Impetuosity and Slaughter: But not perceiving our Right (by reason of the unevenness of the Ground) they made a Stop till such Time as the two Wings should join to the Centre, and the second Line come up.

His Royal Highness, who was mostly in the Centre, (attended by the *French* Ambassador) and whose Attention was turned to all Parts, seeing that the Enemy had outlined us in the Left Wing, sent Brigadier *Stapleton* and the Pickets of the *Irish* Brigade, with some other Troops, to take up the Space upon the Left. Then the whole Army marched down towards the Enemy, who were retreating on all Side's in great Disorder: But by reason of the Unevenness of the Ground, and Night coming on, with great Wind and Rain, they could not overtake them, as they were positively ordered to keep their Ranks. Had the Enemy staid a Quarter of an Hour longer on the Ground, they must have inevitably been cut to Pieces; however they went off with the utmost Precipitation, and were just got to the East End of the Town of *Falkirk*, when Lord

John Drummond enter'd on that Side, Lord *George Murray* in the Middle, and *Locheil* in the West End. Lord *John Drummond* was slightly wounded in the Arm by a Musket Shot at the End of the Town, by one of the Soldiers, whom he was taking Prisoner.

We took seven Pieces of Cannon, consisting of two large ones, and five Field Pieces, all of Brass, several Mortars and Coehorns, with a great Number of Shells, all their Ammunition, Waggon, Tents,* three Standards, two Stand of Colours, many small Arms, their Baggage, Clothing, and generall every Thing they had not burnt or destroy'd. We made above seven hundred Prisoners, besides Officers: And we reckon above six hundred were killed in the Field of Battle, besides what we are told were drowned in fording the River *Carron*.

We had not above forty Men killed on our Side, among which were two or three Captains, and some subaltern Officers. There was near double that Number wounded, amongst whom was young *Locheil*, on the Ankle, but so slightly, that it did not hinder him from marching in Pursuit of the Enemy, to the Town of *Falkirk*. His Brother was likewise wounded.

His Royal Highness's first Care, early next Morning, was to send up to the Field of Battle to cause to bury the Dead, as well those of the Enemy, as our own People; and some of their Officers, that could be distinguish'd, (of which it is said are *Sir Robert Monro* and Col. *Whitney*) were brought down to the Town, to be decently interred, in the same manner as our own Officers were.

Had not the Night come on, and so stormy, his Royal Highness's Army would have got betwixt them and *Linlithgow*, and would have utterly destroy'd them. All the Officers, and private Men, behaved with invincible Courage; and the Order which they kept in their Marching and Attack, surprized even the Officers who had been in the former and present Wars abroad.

The *Irish* Officers were of vast Use, in going through the different Posts of the Army, and assisting in the various Dispositions that were made.

Printed at Bannockburn, 1746.

* Which we found almost all standing, few of them having been consumed by the Fire which they had themselves set to their Camp.

XXV.

THE TROOPS AT ABERDEEN, 1745-6.

Cantonment of the Dragoons about Aberdeen.

Febry. 27th, 1745/6.

L ^d . Cobhams.		L ^d . Mark Kerrs.	
	Miles from the Town.		Miles from the Town.
Freazerfield	2	Seaton	1
Scotstown	2½	Hilltown	1
Grantham	3½	Robslaw	1
Shothoesly	2	Gilcomstown	½
Kingswells	3	Torry hill	½
Countywells	4	Pitmuckstown	1
Minister of Newhills	4	Bederstown	1
and Bogfairly	4	Keamhill	2
Stonnywood	3	Hillhead	2
Crabstown	3	Upper and Nether Tory	3
		Balnagask	3½
		Bridge of Die	2

Cantonment of the Foot in and about Aberdeen.

No. 1 Royal.

No. 2 Fleming.

No. 3 Pulteney's part only.

Old Town of Aberdeen, The other part of Pulteney New Aberdeen, from the North Port to Provost Robertson's in the Gallowgate both Sides of the Street.

No. 4 Blackneys.

From Provost J^{no}. Robertsons, to J^{no}. Mairs both sides of the Street.

No. 5 Legioniers.

From Jn^o. Mairs to the end of the Broadgate North-side, and to St. Jn^o. Johnston's Wynd South side.

No. 6 Barrel.

From Provost Alex^r. Robertsons, all the Over Kirkgate, School hill, and both sides of Woolmanhill.

No. 7 Wolfes.

From the Begining of Foot Dee Quarter to Tho^s. Freazers house, including the Danceing School, and Town of Foot Dee.

No. 8 Battereaus.

From Jn^o. Ross house all the North side of the Castle Gate to the end of the Quarter.

No. 9 Cholmondleys.

All the Shipraw from Trinitys, and Nether Kirkgate to the Port of both sides.

No. 10 Howards.

From the Nether Kirkgate Port, to the flower Mill, and Malt Miln, and Stables in the Green and Corection Wynd.

No. 11 Monro.

From the Malt Miln to the Bowbridge, on the South side, All the hardgate beyond the Bowbridge.

No. 12 Price.

North side of the Green, back Wynd, and Schools.

No. 13 Sempills.

Gordons Hospital, and Lochermacks Houses.

No. 14 N. B. Fuiziliers.

Alex^r. Smiths New house, Merc^{ts}. Hospital, Mr. Robertsons and Mr. Hays houses. Mr. Laws Meeting house and Old Meeting house.

Artillery.

To Stand in the Green, Church Yard, Off^{rs}. and Men Quar^{red}. in the four Tables (sic).

March 12th.

The following Regim^{ts}. Marched to Old Meldrum, Inverury, and places Adj^t. under the Command of Maj^r. Gen^l. Bland.

No. 1 Kingstons Horse.

	No. men & horse.	Distance fr. Old Meldrum. Miles.
Oldmeldrum	50	—
Meldrums	30	1
Barrow	20	1
Thorntown	30	1½
Fivie	50	5
Lord Kintore	30	2½
	<hr/> 220	

No. 2 Cobham's Dragoons.

Parish of Udny, and Lands of Blair 2½ Miles Dist^{ce}. fr. Old Meld^m.

Old Meldrum	{ No. 3 Royal. No. 4 Cholmondly.
Inverury	{ No. 5 Price. No. 6 Barrel.

The following Regim^{ts}. Marched under the Command of Maj^r. Gen^l. Bland, from Old Meldrum and Adj^t. places to Strathbogie the 17th March, 1745/6.

Cantonment of the Troops in and about Strathbogie.

Kingstons Horse Lessendrum and places Adj^t.

Cobhams Dragoons Dumbennon and Adj^t. places.

Royal	Huntly Castle.
Cholmondley's	} Strathbogie.
Barrel's	
Price's	

March 21st, 1745/6. The N.B. Fuiziliers and Monros Regim^{ts}. March'd from Old Meldrum to Strathbogie.

Cantonment.

Fuiziliers	.	.	.	.	Strathbogie.
Monros	.	.	.	.	Cocklarichie.

March 23^d, 1745/6. The Earl of Albemarle came to Strathbogie, and took upon him the Command.

March 22nd. Brigd^r. Mordaunts Brigade March'd from Aberdeen, and were Canton'd as follows.

Pulteneys	.	.	.	} Old Meldrum.
Battereaus	.	.	.	
Blackneys	.	.	.	

ROUTE FROM ABERDEEN TO CULLEN, Aprile 7th, 1746.

<i>First Division.</i>		<i>Second Division.</i>	<i>Third Division.</i>	<i>Fourth Division.</i>
L ^d . Albemarle.	Majr. G. Bald.	Brigdr. Mordaunt	H.R. Highness.	L ^d . Sempille.
Kingstons 2 Sq ^{ds} . Cobhams 3 Sq ^{ds} .			L ^d . Ma: Kerrs Dragoons.	
Royal.	Barrel	Pulteney	Howard	Wolfe
Cholmondly	1 st Brgd. Monro	3 ^d Brgd.	Fleming	2 ^d Brgd.
Price	Fuiziliers	Blackney	Bligh	Legonier
				Sempill
		4 Cannon.	6 Cannon.	

Aprile 7 th .	Strabogie.	Old Meldrum.	Aberdeen.	Aberdeen.
8 th .	Strathbogie.	Turiff.	Oldmeldrum.	Inverury.
9 th .	Strathbogie.	Bamff.	Bamff.	Turiff.
10 th .	Strathbogie.	Halt.	Halt.	Portsoy.
11 th .	Camp at Cullen.	Camp at Cullen.	Camp at Cullen.	Camp at Cullen.

The Dragoons Canton'd at Portsoy and the Adj^t. Farmhouses.

*Lieut. Col: Watson To the Rigt. Hon^{ble}. The Lieut. Gen^l and the
Hon^{ble}. the principal Officers of His Majestys Ordnance.*

Fort Aug^s., 21st Aug^t., 1747.

Rigt. Hon^{ble}. and Hon^{ble}. Gentlemen,

In Obedience to your Commands of the 16th of June Signified to me by Mr. Bush, I have been at Aberdeen and Survey'd the Damages done Gordons Hospital, and after the Strictest Inquiry whither it would be more Advisable to pay the Charge Demanded by the Trustees, or for the Board to undertake the Repairs, I'm perswaded it will be Cheaper to give the money Ask'd, and for them to lay it out in the Manner they please.

The Charge greatly exceed's Mr. Campbells Computation, which he must have made after leaving that place in good repair, and before it had suffered by the Troops there Quartered.

The Measurement of the Mason work is 19 Rods, the wall 11 feet 4 Inches high, By 2 feet 5 Inches Built with lime, Most of the Stones are Embazled and taken away by the Towns people.

The Garden was in Good order and the Inner part of the house in proper repair, each Room having a Door and lock when the Troops took possession of it.

Damages I assure your Hon^{rs}. are fairly stated, Seven Steps are quite Broke, and Rendered Usless, the Capitals and Bases of the Stone pilastres, and impasts of the Stair Case everywhere Broke, and the Doors and locks wanting as mentioned in the Acco^{nt}.

I obliged those who had the Charge of the place, before the Troops took possession of it, to make Affidavit of its State and Condition before the Magistrates, In Consequence of which I have sent your hon^{rs}. the Inclos'd particular Estimates.

I have sent Inclos'd a Return of the Number of Bedsteads, Tables, Forms and other particulars, belonging to the Government, which I found in and about the Fort,—all which I have Collected and lodged in two Rooms, under lock and key, to the care of James Mercer Mason,

I consulted with Mr. Skinner whither it would be more Advisable to send the Palesadoe's, Boards, Bedsteads, Tables and forms to Inverness, where they might be of service and save Expence next season, or to Expose them to publick Sale in Aberdeen, But he thought they would not Answer the charge of putting on Board and freight, Yet in my own Opinion as a Veshel could be freighted twixt Aberdeen and Inverness for £15 or £20 I should think it better for the Board to use them, then Expose them to publick Sale, which I beg leave to Submitt to your hon^{rs}. Determination.

I am, &c.,

D. W.

ABSTRACT of the Acc^{ts}. of Damages done Gordons Hospital and Gardens thereof by turning the same into a Fort, and of the Adjacent Gardens and Field, Conform to particular Acc^{ts}.

Acc^{ts}. Sworn to by the Visitors and Artificers named for Inspecting thereof in presence of the Majestrates of Aberdeen—

To Masons Accompt	£134 18 2
To Wrights Acc ^{ot}	22 13 11
To Gardners Acc ^{ot}	71 7 11
To plank's lodged by the Military when lodged there, by Wm. Green's Deposition	6 0 0
To lead taken from the Windows and Roofs of the said Hospital, and several other thing destroyed, about the same of which a particular Estimate could not be made, all which besides two years Rent of the Hospital and Gardens amounts to .	40 0 0
	<hr/>
	£275 0 0

The Above acc^{ot}. was Attested by Robert Thomson,

Town Clerk of Aberdeen.

N.B.—In the first Article is included Baillie Strachen, &c., their Damages being £8 4s. 11d. Str. and Lochirmicks Damages being £5 13s. 4d. Str.

*Letter from Lieut. Colonel Watson to Lieut. Forbes Or Offr. Commanding
Capt. McPherson's Addl. Compr. at Ruthven.*

Edin^r. 18th June, 1747.

Sir,

General Churchill having acquainted me that General Blakeney intended to order the Company under your Command to Tarland, in Aberdeenshire, Inclosed I have sent you a Route for that Purpose, which you are by express to acquaint General Blakeney of, and observe the orders you receive from him without regard to this Route.

Should you receive General Blakeney's Commands to march to Tarland without particularly mentioning what Posts you are to Occupy, In that case you are to detach from Tarland as follows. To Glenclova a Corp^l. and 6 Men, To Dubrach, a Serj^t. Corp^l. and twelve men. To Corgarff a Serjeant or Corp^l. and 8 Men.

You are to Act in Concert with the Justices of the Peace of the Heads of the Countys of Banff, Aberdeen, Kincarden and Angus for protecting as much as Possible His Majesties Peaceable Subjects and their Effects in the above Countys against the Depredations of the Rebell and Highland Thieves.

D. W.

*Letter from Lieut. Col. Watson to Lieut. Forbes of L^d Jo: Murray's
Regiment at Tarland.*

Edin^r., 24th October, 1747.

Sir,

I have the pleasure of your letter, and am sorry for the plague and trouble those Wretches give you, however it gives me Infinite Satisfaction to hear from all hand your fatigue does honest people so much real Service, and that they are so Justly sensible of it. I had the other day a letter from Sr. Rob^t. Menzies, where he owns the Highlands has not been known so free from thieving, which situation will I hope be daily mended for the better, and then honest people in spite of all the Cunning and Art that's used, that Nature always intended the people of that Country to be free, Industrious, and usefull to Society as well as any other part of the Island.

I shew'd Sir Robert's letter to General Blakeney, who read it with great Satisfaction.

Your former letter w^h. you wrote me I forwarded to the General, he sent it to Mr. Pelham, and it gives me infinite pleasure to think, you have the friendship and Countenance of Such a Man as General Blakeney, who assures me he will himself represent your Services both to His Majestie and the Duke, and at the same time recommend you as deserving Some Mark of their favour, A Recommendation which I'm hopefull will answer the Intentions.

I think you are right to plague the people who are suspected to harbour or assist the Thieves, as it will have the Good Effect, that they at least see such practices will be, and are, more strictly inquired into as formerly. I sent a Copy of your letter to Mr. Duff of Coulter, who I'm persuaded will stand by and support you with the rest of the honest Gentlemen of that County. Before I had an Opportunity of the Post for the above, I had the pleasure of yours of 21st which I assure you w^{thout} any flattery afforded me that Satisfaction I shall always receive from your Correspondence, and also singular pleasure to think, there's a prospect your honest Labour won't be unrewarded. I assure you Gen^l. Blakeney who is as much your friend as you could wish, read your letter with joy and in the Usual Way has transmitted it, I hope soon to have an Opportunity of talking with you fully on the Subject, And if encouraged and followed out can't fail answering the end proposed. Neither of us, God knows, dear Forbes, are interested but from a Principal to serve our Masters Interest and the Country in General, and I could wish the same motive was as strong in others, where weight and Power makes them greatly more capable, however I shall ever think there's no Consideration should deter or discourage Men from being honest, tho' they mayn't always be in the Mode or fashion. The General desires his Compliments to you, and returns you Sincere thanks for your Active Service, which he has ordered me to acquaint you shall not be forgott, being most punctually represented.

If you imprison those Rascals who are most deserving I wou'd have you apply the Gentlemen of the Country for their assistance, upon all Occasions, Write to Peter Duff who I take to be an honest Man, and will advise and assist you as he is a person of weight and Interest in that Country. I wrote him by the Post, to beg and entreat he'll spirit up the Gentlemen to join in supporting those partys.

I am, &c.,

D. W.

From Lt. Col. Watson to Lt. Forbes, &c., &c.

Edinburgh, 1st Decem^r., 1747.

Dr. Sir,

I have the pleasure of your letter of the 24th Nov^r. with the Agreeable News of your further Success in Apprehending M^e who I hope will in due time prove a good Example, I am glad the poor men are Called in from the uncomfortable posts, and I hope proper Acknowledgements will be made them for their Distinguish'd Alertness. I won't presume to Agent your case with speeches, But sure I am there is Neither Vanity or presumption to say that 300 men as allert and well look'd after as the Company you belong to has been since June last, would soon make Thieving a Troublesome Trade in the Highlands, Your friend Stewart is Just returned from a highland Expedition, he tells me the Glengarry and Lochaber men are playing the Divil in the Highlands, for finding they are Cutt off from their Usuall resources from the Low Country, they publickly Declare they will borrow from them, who never lost one Single Cow Since the Rebellion, Lord grant, John, they would Devoure one another likewise.

Some people of Your part of the Country, has sent Intelligence to the Ministry above, of Severall Attainted Rebels, Emissary's from France, or people excluded from His Majesty's late Gracious Indemnity have appeared and daily continue to appear publickly, in the Shires of Aberdeen, Banff and Angus, where they hold Traiterous Caballs, and all manner of Artifices to keep up a Spirit of Rebellion and Sedition. If such Intelligence is true, I'm perswaded Your own prudence will easily Discover the Truth of it, and who the persons are, If you have rec^d. the Gen^{ls}. orders, You'll see that all Officers are immediately of themselves to Apprehend Such people, and carry them before the Nearest Justice of the peace, or Civil Magistrate, that they may be Confin'd in a Secure Gaol, till prosecute by Law, the persons are said to be, L^d. Geo: Murray, Pitsligo, Ogilvie, Roy Stewart, as the Three last mention'd wont Skulk but in your Neighbourhood, I must Beg youll think on the most proper method to learn the truth of such a Report, and to get them Apprehended if possible, at the same time Inform Yourself from time to time by proper mean's whats doing in the Country, Amongst that Sett of people, all which youll be so good as transmitt regularly to the Gen^l., at the same

time he desires you wou'd Acquaint him of any Non-juring Meeting Houses, where Divine Worship is kept since the last Act of Parliament, where, Names of the Preachers, and by whom thought to be protected, as this piece of service must be Attended with Expence as well as labour, and pains, the Gen^l. desires you may Employ those you may think proper to Confide in, and that whatever Charges or Expence you are at shall be punctually repaid.

I must Dr. Sir recommend this particular to your Dilligence, which I am satisfyed will be of Singular Service to your own Interest. Those County's are but narrow for such folks to harbour in, and one So well Acquainted Must soon find out the truth of such Reports.

I hope you will take care to put your Company into Good Quarters, for God's sake let not the poor men want.

I am, &c.,

D. W.

XXVI.

LETTERS FROM ALEXANDER STUART OF DUNEARN,

Captain in Lord Mark Kerr's Regt. of Dragoons (afterwards for many year's Governor of Ludlow Castle), to his brother, James Stuart of Drumsheuch, afterwards Provost of Edinburgh.*

A.

Aberdeen, March 6th, 1746.

Dear Jamie,

I received your last of the 4th, but have no news to send. We be still here, I suppose till all the troops come up, and Magazines are formed. I hear nothing of four French ships being taken—but a great many arms were last night brought to town from a French ship stranded in the neighbourhood.

I returned on Wednesday from an expedition into the Highlands of Aberdeenshire, fifty miles from hence, to destroy a Magazine of the Rebels at Corgarff, which lies near the head of the Don. Three hundred foot commanded by Major Morris, and one hundred Dragoons commanded by me—the whole under the command of Lord Ancrum, were ordered for that duty. We marched from this on Friday, 28th February, in a snowy day to *Monimuss*, Sir Archibald Grant's house. Next day over mountains and Moors almost impassable at any time of the year, but much more so when covered with snow, to a place called Tarland. As soon as they saw us directing our March thither, they suspected our design on the Magazine there, and some Rebels who lived there sent away an Express immediately to acquaint the Garrison, and to Glenbucket, who was with some men at Glenlivet above Strathdon, about Ten miles above the Castle.

* This Provost Stuart must not be confounded with Provost Archibald Stuart, who was tried for his conduct in connection with the occupation of Edinburgh by the Chevalier.

On Saturday morning we marched from Tarland, a most terrible march, to the Castle, which stands on the side of the Don, where I daresay never Dragoons were before, nor ever will be again, nor foot neither, unless Highlanders! Though we marched early in the morning it was past four before we arrived there. We found it abandoned by the Garrison, but so lately, that the fire was burning, and no living creature in the house but a poor cat sitting by the fire. They had thrown the barrels of powder down the bank into the river in order I suppose to destroy it, but had not time—and had conveyed the arms up and down the hills near it in different directions, and hid the bayonets under a dung-hill. However we found all out, and brought away 367 firelocks, 370 bayonets. There were some more arms destroyed, which we could not carry. Ten thousand musket balls we threw into the river and amongst the heather, &c., &c., and it being impossible to convey away the powder for want of country horses, all gone to the hills with the country folks who had run away, being told by the rebels that we were to burn and destroy the whole country. We staved 32 double barrels of exceeding fine Spanish powder equal to 69 of our barrells, and threw it all into the river—and afterwards, for want of horses were obliged to burn and destroy so many of the firelocks, that we brought but 131 to Aberdeen. We returned on Wednesday from such a country that a hundred men might beat a thousand from the hills above them—and had it snowed another night when we were there, it had been impossible to have returned. We were obliged to be two nights in the open fields—and sit on horseback all night. However we happily executed what we were sent upon—and, thank God, returned safe, with only the loss of one horse. I do assure you the Clergy, who have everywhere in Scotland much distinguished themselves for our religion and happy constitution, behaved very kindly to us, were our guides and intelligencers every where—and three of them went quite up to the Castle of Corgarff with us, from whence, I forgot to tell you, we were obliged that night to return eight miles for quarters—and 'twas two o'clock in the morning before we arrived. Guess what a journey in such a country, in a dark night, snowing the whole time! Duke of Kingston's Horse are just arrived.

* * * * *

I hear now the Rebels are in great want of provisions. This Magazine

is a great loss to the Rebels—it supplying them with ammunition in their marches thro' the Highlands, where carriages cannot go.

I am, dear Jamie,

Most affectionately yours,

ALEXANDER STUART.

Postscript.—Why in the name of wonder dont you send me the Acct of what all the tongues &c. cost? It is absolutely necessary for many reasons to have it out of hand—so pray send it first post with the Hams. I am extremely obliged to Mr. Killison for his recommendation to Mr. Mouat and Mr. Middleton. I am to dine with Mr. Middleton to-morrow. I have dined with Mr. Mouat, and drank tea three times—and was pressed and offered to take a bed there—but as the Regiment was out of town I chose to stay in my old quarters with them. Mrs. Mouat, who is a very agreeable woman, made me take a quarter of a pound of tokea tea to the Highlands with me—no conveniences of that sort being to be had in that Country. The Duke gave a ball here on Monday last—and a cold supper—and danced with a Miss Middleton. He is much liked here, as indeed he deserves to be.

B.

Culloden, April 17th, field of battle
of yesterday.

Dear Jamie,

I have only time to tell you we have got a compleat Victory—for the particular details of the Action I refer you to Miss Willie. The battle was yesterday about one o'clock. 2000 of the Rebels killed—a great many prisoners taken since—for hardly any were taken in the action. Above 5000 stand of Arms, 7 pieces of Cannon, 8 Colours, and all their ammunition and waggon. I received no hurt, though pretty nigh being demolisht. I wish you joy of such a glorious action—which has put an end to the Rebellion!

Miss Willie has all the particulars I c^d yet learn. I am, with my love to all of you,

Yours affectionately,

ALEXANDER STUART.

C.

Culloden, April 24th, 1746.

Dear Jamie,

I rec^d. yours of the 18th, with the Newspapers, I imagine there has been great joy among you long before now. . . . I have nothing to add to my letter to Miss Willie, but that I brought in with a party of Dragoons from near Corryburgh ten miles from Inverness up Wade's road, My Lord Balmerino, Major Glasgo, and 27 French officers and soldiers, all which French are already embarked and sailed for France. L^d. Balmerino says there are not 20 Highlanders any where together. He surrendered himself, he, Perth, Tullibardine, and Lord Ogilvy lay at Corryburgh the night after the battle—and they went away next morning in a chaise, and asked Him to go with them, but he told them that he had been too long already, that it was only putting off the evil day for 2 or 3 weeks, and starving all that time—and that he was determined to surrender, and throw himself upon the King's mercy. I drank tea yesterday with Lady McIntosh. She is really a very pretty Woman—Pity she is a Rebel. Her sister is a good agreeable Girl. Miss Betty Barber was with her when taken. She introduced me to her. Miss Barber says she knows you. I am, with my love to my sister, your Family, and all friends, especially dear Lady Dirleton, Jenny and Willie. I hear that 9 Regiments are arrived from England. Direct at as usual to Aberdeen—for we march south in a day or two.

Your affectionately,

ALEXR. STUART.

Of the Rebels killed in the Battle, and Pursuit of the Dragoons at least 2500.

Prisoners—French and Highlanders, including 55 French officers, 1457.

Officers of note of the Rebels killed.

Lord Strathallan.
Col^l. Chisholm.
Col^o. Fraser.
Col. McGillivray.

Officers of note of the Rebels taken.

Lord Kilmarnock.
L^d. Cromarty.
L^d. McLeod and his son.
L^d. Lewis Drummond.

Q 1

Officers of note of the Rebels killed.

Col. McNaughton.
 Col. Stuart of Ardsheil.
 Col. McDonald of Keppoch.
 Col. Stuart of Killichassy.
 Col. Mercer of Adie.
 Col. McKenzie of (indistinct).
 Col. Menzies.
 Major McBane.

Wounded.

Cameron of Lochail shot through
 both legs.

Taken.

19 Brass Cannon.
 6 Brass Swivels.
 8 Colours.
 5000 stand of Arms.

All their ammunition and waggons—but most of their plunder and
 baggage was sent away the day before the battle.

Officers of ours killed, 2. Lord Robert Kerr and Capt. Grosset.

Wounded 17, of which 2 since dead.

Privates of ours killed, 43.

Wounded, 266.

Officers of note of the Rebels taken.

L^d. Balmerino.
 Col. Farquharson.
 Brigadier (Hay, Jur.).
 Major Stuart of Perth Regt.
 Major Stuart of Roy Stuart's Regt.
 Major Glasgo.
 Ladies taken.—Lady MacIntosh,
 Lady Ogilvy, Lady Kinloch,
 Lady Gordon.

XXVII.

EXTRACTS FROM THE RECORDS OF THE SYNOD
OF MORAY, 1745-6.

AT ELGIN, 15th October, 1745, after sermon by Mr. Patrick Grant, minister at Duthal, moderator of last Synod, upon Hebrews 13: 1, Let brotherly love continue, the Provincial Synod of Murray met in the Synod house, and being constituted by prayer, rolls were called and absents marked, viz., Messrs.

[Present 14 ministers and 0 elders:—from Pby. of Aberlour 3 (out of 7), Inverness 0 (11), Forres 3 (8), Elgin 5 (12), Strathbogy 2 (12), Abernethy 1 (6).

At the second "Session" there were present 24 ministers and 1 elder: from Aberlour 5 (7), Inverness 1 (11), Forres 4 (8), Elgin 7 (12), Strathbogy 6 (12), Abernethy 1 (6); with 1 elder from Bellie.]

[Mr. Alex^r. Chalmers, at Glass, was chosen moderator, and the usual Committees were appointed, and the Synod adjourned to meet at 5 o'clock.]

"And the Synod, considering the present state of the Kingdom as groaning under the heavy judgment and calamity of an unnatural rebellion, agree to spend the afternoon's sederunt in prayer."

AT ELGIN, 15th October, 1745, hora 5^a post meridiem. Sess. 2^a.

After prayer rolls were called and absents marked.

[Other 10 min^{rs}. and 1 elder were now present.]

The minutes of last sederunt were read.

This diet having been appointed for prayer, several ministers being called prayed in turns.

There was brought in from the Committee of Overtures an overture, with an opinion it should be presently considered, viz. :—That this Synod

should address His Majesty King George, declaring their firm and unshaken loyalty to his Majesty's person and government and their abhorrence of the present unnatural and unprovoked rebellion in this part of his kingdoms, and that a special committee should be appointed for drawing up that address and to bring it in to next sederunt. The Synod unanimously approve the overture and appoint Messrs. Shaw, Sime, Dunbar, with the moderator, a committee for that effect to meet to-morrow morning at eight o'clock at Mr. Shaw's house.

AT ELGIN, 16th October, 1745, hora 10^a ante meridiem. Sess. 3^a.

After prayer rolls were called and absents marked.

Minutes of last sederunt were read.

There was brought in from the Committee of Overtures an overture, which being read and considered was unanimously approven and agreed to, viz. :—That the Synod should recommend, likeas the Synod do hereby recommend, to the several presbyteries to appoint a Fast on account of the present state of the times to be kept in their respective bounds as they shall see fit for edification and that it can be attained, and that this be done as soon as may be.

There was brought in from the Committee of Overtures another overture, which was read, considered and unanimously approven, viz. :—That they should recommend, likeas they do hereby recommend, to presbyteries to meet frequently for prayer and conference, and that neighbouring presbyteries correspond together.

There was brought in, read, considered and unanimously approven another overture, viz. :—That the Synod should recommend, likeas the Synod do hereby recommend, to all the ministers and probationers within their bounds that they continue to pray *nominatim* for his Majesty King George and his Royal Family agreeable to Acts of Parliament and Assembly.

The scroll of an Address to his Majesty was brought in, several times read over, considered and unanimously approven, and is as follows, viz. :—

Most gracious Sovereign, we the ministers and elders of the Provincial Synod of Murray, animated with unfeigned loyalty, humbly beg leave to declare in the strongest manner the just indignation and abhorrence we

have of the unnatural rebellion at this time carried on against your Majesty's government in favour of an abjured and Popish Pretender. This wicked and daring attempt must appear to all the true lovers of the Protestant religion and of the liberties of Britain the most base and ungrateful—a rebellion big with every evil that can undo a free Protestant people, aggravated with every circumstance that can excite in the breast of true Protestants and Britons the utmost detestation—a rebellion which should it prove successful (which God avert) must have a manifest tendency to destroy the Protestant interest and sacrifice the religion, freedom, and happiness of Britain to the enslaving and pernicious views of our natural and implacable enemies. With pleasure we reflect that very few of the people who hold communion with us have joined with those enemies of your Majesty's crown and government—and we beg leave to assure your Majesty that no fear either of open violence or of secret wicked attempts shall (through the blessing of God) be able to divert us from an unshaken loyalty to your Majesty and a firm attachment to our happy constitution in Church and State; and that we shall constantly endeavour, as well by our own example as by our labours with our people, to recommend and enforce upon all occasions, and especially at this time, the most zealous loyalty and regard to your Majesty's person, family and government. We earnestly pray and hope that the same good providence, which has often broken the measures and baffled the attempts of the enemies of your Majesty's family and government and of the Protestant succession in your illustrious house, will likewise at this time direct your councils and crown your arms with success against them. That a gracious God may long preserve your Majesty for the protection of this Church and the comfort of all other Protestant Churches, and that he may transmit in your august and royal house to our latest posterity the many great and valuable blessings of your Majesty's happy reign, is the hearty wish and sincere prayer of—May it please your Majesty—

Your Majesty's most faithful, most loyal, most dutiful subjects, the ministers and elders of the Provincial Synod.

Signed in our name, in our presence, and by our appointment by

(So signed) ALEX^r. CHALMERS, moderator.

The Synod agree to send their Address under cover of a letter to the most Honourable the Marquis of Tweeddale, one of the Secretaries of

State, intreating his Lordship would do the Synod the honour to present their Address to his Majesty, and they do appoint Messrs. George Gordon, George Grant at Boharm, Patrick Grant at Calder, Patrick Gordon, Alexander Irvine and Alexander Rose a committee to draw up said letter to meet for that purpose at Mr. Irvine's house betwixt and next sederunt; and in regard the present circumstances and state of the Kingdom renders it very difficult to send up our Address to London without being intercepted, appoint two copies of the address and letter to be writ out in fair hand, one to be given to the Right Honourable the Lord President of the Session presently at his house of Culloden, another to the Honourable Master Grant of Grant, member of Parliament, presently at his house of Castle Grant; and appoint Messrs. Aeneas Shaw at Petty, Alexander Rose at Nairn, and Patrick Grant at Calder, to wait of the President and to make him the Synod's compliments and to intreat he would do them the honour to send up the copy of the address to the King and letter to Marquis of Tweeddale which is to be delivered to him; and Messrs. George Grant at Boharm, Patrick Grant at Duthal, and Alexander Stuart at Grange to wait of Laird of Grant to make him the Synod's compliments and to intreat he would do them the honour to send up the copy of the address delivered to him.

AT FORRES, 15th April, 1746.

After sermon by Mr. Alexander Chalmers, minister at Glass, moderator of last Synod, from Gal. 5: 1, Stand fast therefore in the liberty wherewith Christ hath made us free and be not entangled again with the yoke of bondage, the Provincial Synod of Murray met in the church of Forres, and being constituted by prayer, rolls were called and absents marked, viz.: Messrs.

[Present from Inverness 0 (out of 10, Croy being vacant), Forres 2 (8), Elgin 4 (12), Strathbogy 3 (12), Abernethy 0 (6), Aberlour 1 (7), 1 elder from Forres—10 ministers, 1 elder.

On second day present other minister from Elgin and 1 elder from Aberlour—11 ministers, 2 elders.]

No correspondents from neighbouring Synods come up.

[Mr. John Crockat, minister at Dallas, was chosen Moderator, and Committees for Overtures and for Bills were appointed.]

Presbytery books were called for but none brought up. . . .

The Synod, considering that His Royal Highness the Duke of Cumberland at the head of His Majesty's army in pursuit of the rebels is with the army presently encamped at Nairn, do reckon it their duty to go in a body this afternoon to wait of His Royal Highness, and they appointed to go immediately after dinner.

Then the Synod proceeded to read the Minutes of last Synod, and, having read to the close of first sederunt, appointed Committees to meet to-morrow at nine o'clock forenoon, Overtures at Mr. Squyre's house, the Bills in the church, the Synod at ten, which being publickly intimated they closed with prayer.

AT FORRES, 16th April, 1746, hora 10^a ante meridiem. Sess. 2^a.

After prayer rolls were called and absents marked.

Being come up was added to Overtures Mr. Robert Dalrymple, ruling elder; to Bills Mr. William Collie.

The Minutes of last sederunt were read.

There was given in and read with all respect a letter from the most Honourable the Marquis of Tweddale, late Secretary for Scotland, representing that he presented to his Majesty the Synod's Address, and that it was very graciously received as a most seasonable testimony of the Synod's affection to His Majesty's person, family and government.

The Committee of Overtures propose that considering His Majesty's army under the command of His Royal Highness the Duke of Cumberland and the rebel army are now so near each other that it is probable this day will bring to action, that therefore the Synod should imploy this diet in prayer together. The overture was unanimously agreed to, and accordingly many members being called prayed in turns.

The Synod appoints the Committees to meet in the usual places at four o'clock this afternoon, the Synod at five (being now past three), which being publickly intimated they closed with prayer.

AT FORRES, 16th April, 1746, hora 5^a post meridiem. Sess. 3^a.

After prayer rolls were called and absents marked.

The Minutes of last sederunt were read.

The Synod proceeded in reading the Minutes of last Synod.

[A student allowed to be taken on trials for license.]

The Synod continue the overture anent more punctual attendance on ordinances.

No report anent the attendance of correspondents from this to neighbouring Synods, but from the confusion and danger of the times it is probable they could not attend.

[New correspondents to the Synods of Aberdeen and Ross were appointed.]

The Synod proceeded to Privy Censures.

The presbytery of Inverness wholly absent.

There is not a quorum present of the presbytery of Forres.

The presbytery of Elgin being brought to the bar the usual questions were asked them, &c. [in usual form].

The presbytery of Abernethie wholly absent.

There is not a quorum present of the presbytery of Aberlour.

The presbytery of Strathbogie being brought to the bar, the usual questions were asked them, &c.

The Synod adjourn to eight o'clock to-morrow morning, which being publickly intimated they closed with prayer.

AT FORRES, 17th April, 1746, hora 8^a ante meridiem. Sess. 4^a.

After prayer rolls were called and absents marked.

The Minutes of last sederunt were read.

It was moved to recommend, likeas the Synod, concurring with the motion, did and hereby do recommend to all the ministers within their bounds to be very careful and cautious in attesting any of those who have been either actually and openly in rebellion or who may be taken up upon suspicion ; that no minister shall adventure to grant attestations to any but to those of their own parishes respectively, and that ministers before granting such attestations shall, if attainable, advise with some neighbouring ministers and even with their own presbyteries where the case can admit of delay ; that ministers keep exact copies of such attestations as they grant, to be produced when called for ; and the Synod do appoint this Minute to be transmitted *quam primum* to all the presbyteries within their bounds.

The Synod appoint their next meeting, &c.

AT ELGIN, 22nd October, 1746, hora 10^a ante meridiem. Sess. 3^a.

"Presbyteries absent from last Synod excused on account of the disorders of the times, and that the rebel army was in the bounds and the King's under command of His Royal Highness the Duke of Cumberland in pursuit, who came up with them during the sitting of Synod, fought them, and totally routed and dispersed them at Culloden on 16th April, 1746."

AT ELGIN, 22nd October, 1746, hora 5^a post meridiem. Sess. 4^a.

"The Synod recommend to the several presbyteries, according to Act of Assembly, to inquire into the conduct of ministers, elders, preachers, and schoolmasters within their respective bounds during the late rebellion, and whether all teachers of youth are every way qualified in terms of law, and to report both at next meeting of Synod."

AT FORRES, 21st April, 1747. Sess. 2^a.

"The several presbyteries present reported that they had inquired into the behaviour of ministers," &c. ; "only Inverness reported they had omitted to make inquiry into the conduct of private teachers ; appointment renewed for that part of the inquiry."

[At Forres, 19th April, 1748. Inverness report that all their private teachers are qualified in terms of law.]

XXVIII.

THE KILMARNOCK PAPERS.

The Inclosed Letters from my Father (when in the Tower) To the Duke of Hamilton, as likewise the Papers, were in the Custody of John Wood, Esq^r., Governor of the Isle of Man, and Delivered by him to me. Att Edinburgh the 31 May, 1775.

ERROLL.

A.

Lord Kilmarnock's account of his capture at Culloden.

I'm told the Duke is inform'd, by some of his Retinue, that I could not escape at the Battle of Coloden, because a Hussar got before me and the Dragoons were about me.

It is very certain that when I came to where the Dragoons were or near it I could not escape, but I came there of my own accord, for when the second Line, where I was, broke, I was next to Lord John Drummond's Regiment, and went with them and the other Low Country Foot along by the Wall to the South of the Field of Battle, which covered us from the Cannon shot of the Duke's Army. There were a great many of us together, and I have never heard that any of them were taken, neither of Lord John Drummond's or the Low Country Foot.

When I had gone a good way with them (I think past the wall, but I am not positive as to that) I saw the Dragoons a good way off, I believe a quarter of a mile, to my Right Hand, and immediately turned down to them, alone. Just as I turned off I looked back and saw Lord Perth coming up behind the way; the Rest, whom I left, were going on. When the second line was beginning to break, I heard there was a Body



of Dragoons coming round from the Duke's Left, and I was told afterwards at Inverness that General Huske, with some Regiments of Dragoons, came round that way, but I never saw them, and if they had been as far forward as I was when I turned down to the Dragoons, they must have taken some of John Drummond's and the others whom I left; and Lord Perth, who, as I have said, was behind me, could not have escaped them, especially as he staid to change his clothes, those he had on at the Battle being found somewhere thereabouts, and a day or two after his Jacquet and Wastcoat was brought to me to see if I knew them.

As the Hussars, I don't remember to have seen one, and I'm sure I was neither spoke to, stop'd, nor disturb'd, from the time I left the Body I broke with, till I came up to Lord Mark Kerr's Dragoons, of which some rid at me, and I was saved by Lord Ancrum. I remember, when I had got half way or more to the Dragoons, a Highlander cross'd me, and I advised him to go down with me. He turned with me and followed me a little way, and then left me without speaking to me or my observing his leaving me. I look on it that he had endeavoured to get up with those I had left, but, being by that time a good way behind them, he was not able to overtake them; because, when I was standing by the Firr-Wood, where the Duke made a Halt, about an hour after, I saw the Same Man brought down Prisoner. Whither that might cause a Mistake, and the Hussar might take him for me, as I suppose he was taken somewhere not far from me, or if any Body who saw him taken, and hearing afterwards of me, might mistake him for me, and believe he saw a Hussar take me or keep me from escaping, I don't know; but I'm sure I neither saw nor met with a Hussar.

With Respect to the Order for giving no Quarters at the Battle, and putting the Prisoners, in hands before it, to Death, The Petition sets forth that this Report has been probably spread by a Mistake of Names, and Mistakes of that kind be endless to enumerate. I shall give but two Instances. When I was told of that Order at Inverness, I was assured by a Captain that was on my Guard that the Order was signed Cromarty. I knew and told him it was impossible, but could not convince him. The other happened in the house of Lords, the 28th, in the Pleadings against L^d. Balmerino, where an Evidence was called as having been in L^d. Kilmarnock's Horse, who declared himself Lord

Elcho's Drum, as I was told by some who came out of the House to where I was, who likewise told me that my Name was often mentioned as commanding Partys and in Places where I knew my Name was mistaken.

The Chancellor.

B.

To His Grace The Duke of Hamilton.

My Lord Duke,

Mr. Ross showed me this morning a Letter from Lord Boyd, in which he tells him that he applyed to Lord Albemarle for Leave to come up to see me before I suffered, but that it was refused him. I approve much of your Grace's kind proposition of mentioning this Refusal in the Closet, and requesting that Leave may still be granted; which will of consequence produce a Reprieve, and what may be the good Effects of That nobody knows.

As this may prove the Last and only Effort to be made, and as I am fully satisfy'd of the Duke of Argyle's kind Endeavours, I must beg your Grace woud, in Addition to all your former goodness, take the trouble of going out and consulting with him to-morrow at Whitten. Your Grace will then have an opportunity of discovering his real friendship for me by the Answer he will make to the request which I humbly think your Grace may make of his attending and backing you in this, I may say, the last Application. I need not mention any Arguments to your Grace for inforcing the Utility and Necessity of seeing my Son before I leave this World, nor need I mention the Sorrow he feels from the Refusal. They will all occur to your Grace, and you can put them in their proper Light and inforce them, and represent the Inconvenience that will ensue, in his private Affairs, from my not seeing him, as I only can inform him thoroughly of them.

The freedom I take in making this proposal to your Grace is a strong Evidence of the great Sense I have of the friendship you have shown me, and that I shall always remain for what time I have to live,

My Lord Duke,

your Grace's most obliged and most obedient humble serv^t.,

Tower, Saturday, Aug^t. 9th, 1746.

WM. BOYD.



1700



LORD BALMERINO.

C.

To His Grace The Duke of Hamilton and Brandon.

My Lord Duke,

After returning your Grace my most hearty thanks for all the favours you have done me, and particularly for the pains you have taken for my Life, I beg leave to ask one other, as my last Request.

Your Grace was so good as to grant me the Rents of the Lands of Mumbrells, &c., which forfeited to your Family by my Father-in-Law's Attainder, in the manner it now stands. Will your Grace allow me to ask that, as long as you allow any of my Family to possess that subject, or if, when you find it clear of all Incumbrances from the Publick, you make a Disposition of it to any of them, it may (sic) to my second Son Charles, in Case his Mother is found to have sufficient Funds beside; if not, I should wish it to go to my Wife first, and to Charlie after her, as the Strength of his filial Duty to me, and his affection for me, has brought on him the Misfortunes he now labours under.

The knowledge I have of your Grace's goodness, generosity, and friendship has made me venture on this Request. I beg youll forgive the boldness of it, and believe that I sincerely wish you all happiness and prosperity, and that I am, with the greatest regard and sincerity,

My Lord Duke,

Your Grace's most gratefull, most obliged, and most faithfull
humble Servant,

Tower of London, Aug^t. 15th, 1746.

WILLIAM BOYD.

D.

To the Right Honourable The Lord Boyd.

Dear Boyd,

You may easily believe it gave me a great deal of uneasiness that you did not get leave to come up here, and that I would not have the pleasure of taking a long and last farewell of you.

Beside the pleasure of seeing you and giving you the blessing of a dying Father, I wanted to have talked to you about your Affairs more than I have Strength or Spirits to write. I shall, therefore, recommend you to Geo: Menzies in Falkirk, and Robert Paterson in Kilmarnock, as your Advisers in them, and to a State (sic) of Affairs I sent to my Wife, of which you will get a Copy, which I recommend to you in the same Manner as to her. I desire you'll consult with her in all your Affairs. I need hardly recommend it to you, as I know your good Nature and regard for her, to do all you can to comfort her in the Grief and Affliction I'm sure she must be in when she has the Accounts of my Death. She will need your Assistance, and I pray you may give it her.

I beg leave to say two or three things to you as my last Advice. Seek God in your youth, and when you are old he will not depart from you. Be at pains to acquire good habits now, that they may grow up and become strong in you. Love Mankind and do Justice to all Men. Do good to as many as you can, and neither shut your Ears or your Purse to those in Distress whom it is in your power to relieve. Believe me you will find more pleasure in one beneficent Action, and in your cool Moments you will be more happy, with the Reflection of having made any one person so, who, but by your Assistance, would have been miserable, than in the Enjoyment of all the pleasures of Sense (which pall in the using) and of all the Pomp and gaudy Show of the World. Live within your circumstances, by which means you will have it in your power to do good to others, and create an independence in yourself, the surest way to rise in the world.

Above all things continue in your loyalty to his present Majesty, and the succession to the crown as by law established. Look on that as the basis of the civil and religious Liberty and Property of every Individual in the nation. Prefer the public Interest to your own where ever they interfere. Love your family and your children, when you have any, but never let your regard for them drive you on the rock I split upon, when on that account I departed from my Principles and brought the guilt of Rebellion and public and particular desolation on my head, for which I am now under the sentence justly due to my crime. Use all your interest to get your Brother pardoned and brought home as soon as possible, that his circumstances, and the bad influence of those he is among, may not induce him to accept of foreign Service and lose him both to his Country

and his Family. If money can be found to support him, I wish you would advise him to go to Geneva, where his Principles of religion and liberty will be confirmed, and where he may stay till you see if a pardon can be procured for him. As soon as Commodore Barnes comes home enquire for your Brother Billie, and take care of him on my account. I recommend to you the payment of My Debts, particularly the Servants wages, as mentioned in the State of My Affairs. I must again recommend to you your unhappy Mother. Comfort her, and take all the care you can of your Brothers. And may God of his infinite mercy preserve, guide, and conduct you and them through all the vicissitudes of this life, and after it bring you to the habitations of the Just, and make you happy in the enjoyment of himself to eternity, is the sincere prayer of your affectionate Father,

WILLIAM BOYD.

Tower of London, August 17th, 1746.

E.

The following letter, presumably to the Duke of Hamilton, has no address :—

I shall deliver the letter your Grace sent to me last night, and beg if there be any answer to the inclosed that you will send it to me by the Bearer, or if that does not suit your conveniency, be pleased to send it as the last to me to the Brittish before 4 o'Clock. I give you the Joy to know that the beauty of his behaviour on loseing all hopes of Life appeared to me something more than human. I have the honour to be

Your Grace's very Melancholy humble Servant,

Saturday, 1 o'Clock.

ALEX. HOME.

Sunday morning.

I was with our most unfortunate Friend several hours yesterday. His behaviour continues calm and resolute, which I am convinced He will support to the last. With the answer to the Inclosed be pleased to send the sketch of His letter to L^d. Boyd. He called anxiously for it yesterday. God Bless your Grace.

F.

Copy of Note from the Duke of Hamilton to the Countess of Yarmouth, the original written inside an Eight of Diamonds.

Duke of Hamilton's Compliments To The Countess of Yarmouth. He is very sorry He could not do himself the Honour of waiting upon Her Ladyship this morning as He intended. His Grace is only this moment come to Town, Being kept upon the Road by an overturn.

His Grace begs to have the Honour of waiting upon Her Ladyship to-morrow at any hour most convenient.

G.

Copy of Note from the Countess of Yarmouth to the Duke of Hamilton.

My Lady Yarmouth fait Des Complimens au Duc D'Hamilton e. qu'elle serrait Toujours bien asse D'avoir L'honneur de le voir chez elle. Mais qu'elle peut L'assurer qu'elle ne peut lui Etre d'auquune utilite sur le sujet qui lui procure cet honneur.

Translation of above.

My Lady Yarmouth's compliments to the Duke of Hamilton, and she will always be very well pleased to have the honour of seeing him at her house. But she can assure him that she cannot be of any service to him with regard to the subject which procures her that honour.

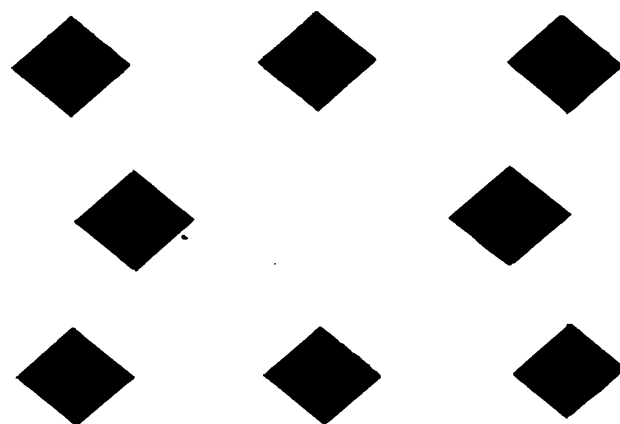
H.

Holograph Letter—Lord President Forbes to Sir Andrew Mitchel.

Edinburgh, 15th July, 1746.

My Dear Andrew,

Mr^s. Maclaurin sent me yours of the 5th. I am Sensible of the Concern you take in what Affects me, and very thankfull for it.



LETTER FROM DUKE OF HAMILTON
TO COUNTESS OF YARMOUTH.

It was no Small Misfortune to the Publick ; as well as it was abundantly Mortifying to me ; that the want of Harmony in the Ministers Prevented the Furnishing the Suplys called for, which, had they arrived in Due time, would have put an End Long Agoe, to the Calamitys that attended an Actuall Rebellion ; I Do not at all wonder, that My Conduct was Ridiculed, by those to whom the steddyness of it, was some Reproach, But I am a Little Surprised that, they found any Body to Listen to them ; These things however are now over, and I trouble My head with them no more. I Did what My Conscience told me was my Duty ; I acted, I Believe to the Conviction of all *the King's Enemys*, Like a Man ; My Conscience acquits me ; and I don't care twopence what those who are So Silly, as to be *My Enemys* without Provocation, May think or say. My knighterrantry is now at an End, I hope, for ever ; I have been sweating for these six weeks Past at my Regular Drudgery—without Medling with any other Business But Under very Great Concern, I must Confess, for this Unhappy Country, which is Like to Suffer, for Crimes it is not Guilty of, and Seems in its Distress to have no Eye to Pity it, nor hand Ready to Interpose for its Relief.

Upon the Rebellion's Receiving its Finishing Stroke from the Duke, it was my opinion that our Ministers, would conclude, the Settling the Peace of this Unhappy Country, and the Forming a System for Preventing Proceedings So Dangerous and So Destructive, for the Future, Required the Most Mature Deliboration, and, I must Confess, I had Vanity Enough to Imagine, that I should have been called upon for My Sentiments on that Subject, as my Zeal, ought to have been Unsuspected, as the Consideration was Delicate, and to My thinking of very Great Consequence ; and as, if I had not known more than most People Do, of the Complexion of this Country, I could not have Performed half the Service, that Such of our Leaders, as are in tollerable Good humour with me, affect to tell me they Believe I Did—But to my Great Convenience, tho' not much to the Satisfaction of my Mind ; the Undertakers for Quieting, and for keeping Quiet, this Part of the Island, have not Given me the trouble of answering them any Question, neither have they Dropt the Least Signification, that my attendance is wanted, where those things are to be Consulted about—This Dear Andrew is My Present Situation, and as the Duty of My Office, Required my Attendance in this place, Unles it had Under the Royal Sign Manuall been

Dispensed with, you need not at all wonder at My being where I now am ; what may happen when the Term is over, and when My Duty no Longer Requires my Attendance in this Place, I can not Exactly say ; I know how Little Likely, advice Obtruded, is to Prevail—and yet I am not Certain, that the Same Sort of Zeal, flowing from the Same Principles, that Led me Northwards after the Last Summer Session, May not Lead Me Southwards after this ; I am Sensible the opposition I may now meet with, is more Formidable, and Less Likely to be Got the Better of, by my Puny Influence, than that of the Highlanders opposed to me, to be, Last year—but if upon Summing up all Considerations, when I have Some more Leisure, than I Possess at Present, it Shall appear to Me to be My Duty to move towards you, I Certainly Shall March—The Reflection you Make in your Postscript touching a Friend of Mine is too true. But I Cannot Mend the Matter, I wish you Could.

I am My Dear Andrew,

Perfectly yours

DUN: FORBES, J.



**TICKETS OF ADMISSION
 TO THE TRIALS OF LORDS KILMARNOCK, CROMERTIE & BALMERINO,
 AND OF LORD LOVAT.**

XXIX.

ACCOUNT OF THE TRIAL OF LORD LOVAT, BY
ONE AT THE TRIAL.

We have now Sat two Days upon My Lord Lovat's Tryal, beginning betwixt 11 and 12 and Ending at Six, for we cannot Sit much later as there is no Way of Illuminating the Hall. The first Day was taken up with the Speeches of Sir William Yonge, Sir Dudley Rider, Lord Cook, and Mr. Murray, four of the Managers of the Commons, and the Examination of Muirtoun, And as Lovat fights Cunning so he objects to Every Piece of Evidence, and began with Objecting to that of Muirtoun because he was his Tennant and Subject to his Regality Court and owed him Money. This Objection is founded on a Clause in an Act of Parliament in the beginning of King George the first, Declaring that no Person who is Tacksman or Vassall to another can be admitted as Evidence against his Superior or Landlord. This Clause was the Grand Secret his Sollicitors and Council had whereby they Declared my Lord to be in no Danger, but as Muirtoun deny'd his being Tacksman or Vassall he was allowed to be Examin'd, for being his Debitor for Money was no hindrance to his being Examin'd, and he did Swear very plainly, clearly, and Distinctly of several Overt Acts of Treason Committed by his Lordship as well as Treasonable Conversation for many years.

On the 2nd Day, when Mr. Murray was brought to the Bar as an Evidence, Lovat Objected to him as an Unliable Witness, being an Attainted Person, and when the Attorney Genl. produc'd the Record of the Court of Kings Bench to show that he had Surrender'd and was Amenable to Justice before the 12th July, when the Attainder was to take place, Lovat Objected to its being read, and as it was a Point of Law, desired his Council might be heard upon the Subject, which being granted, Mr. Forster said that the Proceeding in the Kings Bench was a

private Deed betwixt the Crown and Mr. Murray, where Lovat not being a Party and a Consenter thereto, it could not be made use of to hurt him. Mr. Forster made a pretty Speech, and argued this Lane Argument as well as it could be done, insomuch that he left little to be said by the other two Council, Mr. Ford and Mr. Charles Gordon, but they spoke for some time, and were answered by the Attorney Gen^l., the Solicitor Gen^l., Sir Richard Loyd, Sir John Strange, and Mr. Noel, five of the Managers, and five of the Greatest Lawyers in the kingdom, and then the Lords Adjourn'd to the House of Lords, now call'd a Chamber of Parliament, and there it was Argued pretty Strongly for Lovat by Talbot and a little by Bath, who fancy'd that Mr. Murray had not been taken before the 12th July, tho' the Kings Attorney allow'd it to be so in Order to make Mr. Murray's Evidence Valid, and as the Attaindor was an Act of Parliament he did not see any power the Crown had to dispense with an act of Parliament by his Attorney Gen^l., but being set right in this and told that he was actually in the hands of the Justice Clerk on the 28th June, and consequently Amenable to Justice, and the Chancellor told us that it would be very hard upon the Subject if you laid it down as a Rule that when a Man was apprehended before the Day for Surrender was Elapsed, and so prevented from having it in his power to surrender if the Crown shou'd strain their Power in so rigorous a Manner as to Insist upon his being Attainted, and then gave the instance of Sir Thomas Armstrong, who had been so treated, whose Outlawry or Attainder was repealld after the Revolution, nay the Commons was so exasperated at the Judges of those times that they brought in a Bill to oblige the Heirs and Estates of those Judges to make good Sir Thomas's Damages to his Children, then we heard of the Distinction betwixt a habile or a competent Witness and a credible one, and after some debate the Lords allow'd the Record to be read and Mr. Murray to be Examin'd, and then return'd to the Hall, where the Record was read, and then Adjourned.

The Third Day began with Mr. Murray's Evidence, who was desired by the Managers to tell what he knew of the General Plot or Conspiracy, as well as what related to Lord Lovat, and he began with the Association of Lovat, Traquair, Perth, Lochell, and one or two more, and their sending Drummond of Bachadie to Paris, and the Strong Assurances given them by Cardinal Fleury of Assistance from France, and that when he was told this in the year 1741 by Traquair, he went to Lochell's

House and told them all that he did not believe what Drummond said or his Assistant, Mr. Semple, who called himself Lord Semple, and was the Pretenders Agent at the French Court, said of the Assistance from France, and that he thought they only said so to keep up the Spirit of the Party upon which they desired he might go to Paris to bring them more certain Intelligence, and accordingly he went, but by the way heard of the Cardinals Death, however he went and was introduc'd to Mon^r. Amelot, and he after speaking of the Subject to the King desired to see the same Assurances under the Hands and Seals of the English Jacobites as he had seen under the hands of the Scots, and that when Mr. Drummond, who was sent to Negotiate that Affair, came to England he waited on the Earl of Barrymore, Sir John Hind Cotton, and Sir Watkins Williams Wyn, but they did not relish the Proposal. That when at Paris he saw the Young Pretender, who seem'd Positive to go to Scotland with or without French Assistance, which he endeavour'd to perswade him not to think of without a Landing of 10 or 12,000 Troops from France. That when he came from thence he got several Blank Letters from the Young Pretender to be given to such as cou'd Serve his Cause by the Advice of Perth, Traquair, and Locheil. That one of them was directed and deliver'd to the Laird of McLeod, and another to Sir Alex^r. McDonald, but not delivered he believes ; To this McLeod says to us who ask him about it, that the Letter was delivered to Mr. John McLeod, his son, and that he did not hear of it untill a year after. He then told us that the plan was to Land 1500 Men near Inverness, by whose siege the Highland Clans would Conveen their Men and Join, and other 1500 in Argyle Shire near Sir James Campbell of Auchinbreek, who by their Assistance wou'd raise the Campbells and the other Highlanders in that Neighbourhood, and 8 or 10,000 as near London as possible. That when he heard of the Young Pretender's Arrival by an Anonymous Letter, he went to him in about four weeks after his Sending. That soon after he join'd the Young Pretender he was at Glengarrys House, where Thomas Fraser of Gortuleg came from Lord Lovat, who demanded as a Preliminary Lovats Commission of Lieut-Gen^l. and Lord Lieut., when the Pretender told him they were left behind in a Trunk Ten miles off, but desired Mr. Rolly to write out the Commissions for Lovat, and ordered him to write ane Apology. The next Correspondence with Lovat was after the Battle of Prestonpans, when Locheil

told him of the Arrival of one Hugh Fraser, a Writer, who was a proper person to send to Lovat to bring out his Men, which was accordingly done. Next was upon their Return from Derbe to Glasgow, where Hugh Fraser, the Writer, came from the Master of Lovat to ask Arms and where the Frasers shou'd join them, when a Letter was sent to Lovat Signed by Locheil, Cluny, and himself, and a few Lines from the Young Pretender, Hugh Fraser then ask'd by Order of Lovat for his Patent of Duke, and was Answered it was in old Locheil's hands, and desired that Lord John Drummond and Lord Strathallan might be sent North with a sufficient force to protect his and that Country from Lowdown, and that he had My Lords Orders for that request. That while he was at Inverness he received a Letter from Lovat by Gortuleg, who told him Lovat was Anxious about his Patent of Duke, this was in February or March 1746. Their next Correspondence was after the Battle of Cullodden near the Lake, where there was a Meeting of Locheil and other Chieftains, at which Lovat was present, when he told Lovat of another next Meeting, where they would be glad of his Attendance and Advice, to which he came and gave his Opinion that they shou'd Assemble a Body of Men to protect their Country from the Elector of Hannovers Troops untill they procured Terms from the Duke of Cumberland, and that 3000 or 3500 was the Number proposed for this Service and each Persons Quota Adjusted, of which 400 Frasers to be Commanded by the Master of Lovat, but Lovat said he wou'd not Answer for his son, but desired Locheil might do it, which Locheil did. That he gave 70 Pounds to one of Lovats People to carry to the Master to Subsist his Men, which was a Part of the Money then Landed from France, that this was done in Lovats presence—at least in the Room with him. That not above 500 were Conveened, who not being able to Dispute with the Troops that March'd against them, it was agreed to Disperse and every Man shift for himself, then he went to Moydart, where he had a Letter from Lovat asking a Guard and Money to Subsist them, when he gave his Servant fifteen Louis D'ors. Then Lord Talbot ask'd if he was a Voluntary Witness and if he would have given that Evidence if he had not been in hopes of his Life, those Questions were opposed as improper, but he without being obliged to Answer them Declared that in any other Circumstances he would not have Chose to have been an Evidence, but that he had got no Promise of a Pardon, and

being ask'd if he wou'd not have given the same Evidence if he had been pardon'd and obliged to appear there and give Evidence, he said he wou'd not have added or 'Pared a Word of what he had said if it had been so. He Spoke Clearly and without any seeming Concern, had Notes in his Hands but did not use them. Next his Lordships Coachman and Postillion were Examin'd, who declared as to Rendevousing his Clan, Entertaining Rebels in his House, Drinking Treasonable Healths, and Cleaning of Arms, as did Tom Fraser the Gun Smith upon the Article of Arms. Next Dunballoch swore many strong facts against him. Next Hugh Fraser, his Secretary, was Examin'd, and tho' he had formerly refus'd to be an Evidence yet made a Clean Breast and told all, its true he said Somethings in my Lords favours, but Vindicated the Master a good deal, owned he the Master was forced and could not have raised the Clan without My Lord, that My Lord tho' sometimes angry with his Clan and said they wou'd cost him his Life, yet he at other times Ordered them out, own'd his being sent to the Pretender by Lovat, had the Commissions and Letters in his Custody, which he left in his Lodgings at Inverness, in short he said enough to do my Lord's Business. Then Lord Talbot ask'd Mr. Fraser whither he was a Voluntary Evidence, and whither if he was not in hopes of Saving his Life he would have been a Witness, the Managers opposed this Question as improper, and the Chancellor gave it strong against Talbot, and when Duke Bedford objected to it and said Something in answer to Talbot which Talbot did not like, he reply'd I act from Principles of Honour, Justice and Humanity, and that he despised any Malignant Heart that thought other ways of him, however the Question being altered and Softned, he said that to be sure in any other Circumstance than he was in he wou'd not have been an Evidence, but that he had got no promise of a Pardon, that he did expect his Life to be saved, but there was no Paction made with him relative to his Life and Evidence, and when the Attorney Gen^l. asked him if he had been pardoned and obliged thereafter to come to that Bar and give Evidence, whither he wou'd have given any other Evidence than he had given, he answered he was upon Oath, and if he had been Pardoned and obliged to give Evidence he wou'd neither have added nor Pared any of the Evidence he had given. Lieut. Alex^r. Campbell, Factor to Lord Fortrose, was called and Examined as to his Conversation with Lovat when sent to Castle

Downy about some Cattle Stole from the McKenzies, but he could recollect nothing, the fact is he had told the Managers that Lovat had pressed him to go into the Rebellion, but unless they gave him another Lieut.'s Commission he wou'd not speak. Next Peter Fraser, Tutor of Belladrum, was examined, who gave Evidence of two or three facts only. Next John Farquhar, late Groom to Mr. Murray, Swore pretty plainly against My Lord when he was at their Meetings in Lochaber after Battle of Cullodden. Then Stewart, Mr. Murray's Clerk, did the same, agreeing with what Mr. Murray and his Groom had said relative to that Period. Then Lieut. Robert Dalrymple of the Furnace Sloop was called, and My Lord being ask'd if he had any Objection to him, said he had none to any of that Name, he said that he heard My Lord say that if the Highlanders had behaved well they might have baffled the Troops, for they had no Occasion to fight if they had taken his Advice. Then Mr. Campbell, a Volunteer with General Campbell, was called, and Lovat being ask'd if he had any Objection to him, answered he had none to any of his Name. Mr. Campbell agreed with Dalrymple having been aboard the Ship with him, he was Examined as to the papers taken out of Lovats Strong Box, and told us of a Letter he had found there of the Master of Lovats to My Lord, which was afterwards read and My Lord's Answer thereto. Next Sir Everard Faulkner was called, and being asked if he had any Objection to him, Lovat answered No, that he was his very humble Servant and wished him Joy of his Young Wife, which set the whole Audience a laughing, Sir Everard said that in his Conversation with My Lord he owned he was so Angry at taking away his Company that if Rouli Ran had landed he would have joined him, but that if they wou'd Show Mercy he wou'd do them more Service than the Value of his Life, that he did not Seem to deny his Guilt but talked in a Stile of Acquiescence. Then Mr. Robert Fraser, the Secretary, was called to prove the Written Evidence, when My Lord desired they would either give him a little Respite or Order his Funeral, but it being then about four a Clock the Lords went on, when Lovats Letters to Mr. Murray, the Young Pretender, Locheil, Tullibardin, and to his Son, and his Sons Letters to him were all read, and proven by Robert Fraser then at the Bar, who declared that he did write them by Lovats Diction, and that he had seen them Signed by him. And then they Adjoured to Monday to give my Lord some Respite, and on Monday the Evidence for the Crown

will be finished, they having only some more Written Evidence to give. I am told it is now come out so Clear against him, that his Council say they believe My Lord will not by their Advice give the House any further trouble by way of Exculpation. I shall only Observe that this Tryal ought to frighten all Scotsmen from Plotting again Since the Evidence of the Pretender's Secretary with that of My Lord's own Servants is enough to Hang any Man. Mr. Murray's Evidence was pretty Strong against Lord Traquair, but I don't hear how he is to be tried, but something will be done as to him. Lovats Letter is pretty Strong against McLeod as to the Oaths he took to Join them, and he speaks very Scurrilous Language. McLeod owns that he did make some promises to Lovat in Order to protract the time and keep my Lord the longer from playing the fooll, and that when last at his Lordship's house, where Barrisdale and some other Rebels were, he had no other Way to prevent his being made Prisoner.

On Monday the 16th the Managers for the Commons Produced Some more treasonable letters and Papers of and to my Lord Lovat, which wer proven by Mr. Secretary Murray and his own Secretary, Rob^t. Fraser, and then Sr. John Strange Sum'd up the Evidence without any Invectives or Bitter Reflexions, and better judges than I say He did it well, after which Lovat desired some time to prepare his Defences and recover his Health, and then Both Houses Adjourn'd to the Chambers of Parliat., and in the Chamber of the House of Peers the Question being put when they Should Go Next to Westminster Hall to finish the Tryal and proceed upon my Lords Defences, it was Agreed to Delay it no longer than Wednesday the 18th, not only because they had already upon My Lords Application granted him two Delays of his Tryal, but because it was Necessary for the Judges (who always attend Tryals) to give their Opinion on points of Law to go to their Circuits.

On Wednesday the 18th, when we expected his L^d. was to Call his Witnesses, of whom he told us he had but ten in town of threescore he had summon'd, and that on the Monday he had told the Lords he wanted to Examine a Member of the House of Commons, which Sweated me, I being in his first list of Witnesses, But it proved to be McLeod, and Accordingly the Lords Sent a Message to the Commons to desire Mr. McLeod's being allowed to give Evidence, which the Commons gave McLeod leave to do, But upon being told that after he had done

with Examining McLeod the Managers had a Right to Ask him any Question they pleased, My Lord Dropt his project of Examining him, and indeed I believe it was for this Reason that Neither of us were Examined Since we could and must have said more against him than we could Say for him, Meantime my Lord called no Witness Att all, but Objected to all the Witnesses that were produced for the Crown in Generall As being his own Tenants or Vassalls, and So not Competent Witnesses or perjured or in Expectation of Pardon, and that as Mr. Secretary Murray and his own Secretary, Hugh, had taken the Oaths to anoy^r king, which they had broke, their testimony Could have No Weight, and as McLeod, Mr. Murray, Never delivered him any Letter from the pretender, So it was believed My Lord would have Insisted on that Questions being Ask'd at McLeod, and then my Lord after falsifying his Evidence in that particular by McLeod's Oath, might More properly have Insisted on the Invalidity of his evidence. My Lord being in the Opinion of the Lords as well as the Commons done wth his Defence, he haveing Said at the Bar he had no More to say, the Managers of the Commons proceeded to make the Reply.



WESTMINSTER HALL
DURING TRIAL OF LORD LOVAT

A PERSPECTIVE VIEW OF WESTMINSTER HALL, WITH BOTH HOUSES OF PARLIAMENT
assembled on the Tryal of SIMON, LORD LOVAT.

*Also a View of the Peers, their Daughters, the Foreign Embassadors, and the rest of y^e numerous
Company as they were ranged on the Scaffolding erected on that Sollemn Occasion.*

1. The King's Chair on the Throne.
2. Prince of Wales' Seat.
3. Duke of Cumberland's Seat.
4. A Chair for the L^d. High Steward.
5. L^d. High Steward remov'd from his Chair nearer the Bar for
convenience of hearing.
6. The two Arch Bishops.
7. Bishops on Two Benches.
8. The Great Officers of State, Dukes, and Marquises on the
front Seat.
9. The Barons seated behind the Dukes.
10. Earls and Viscounts.

11. The remainder of the Barons seated behind the Earls & Viscounts.
12. The Master of the Rolls.
13. The Head Master in Chancery.
14. The Judges Sitting on the inside of Woolpacks, and the Masters
in Chancery sitting on the outside.
15. The Serjeant at Mace.
16. Lord High Steward's Purse bearer.
17. Clerks belonging to y^e House of Lords.
18. Four Mace Bearers and two Heralds in front, behind them
Peers' Sons, all of them standing.
19. Four Mace Bearers and L^d. High Steward's Gentlemen, all
of them standing.

REFERENCES TO THE SCAFFOLDING ROUND THE HOUSE OF LORDS.

- A. The Speaker of the House of Commons.
- B. The Members of the House of Commons on the side seats.
- C. Other Members of the House of Commons in front seats.
- D. The Managers for y^e House of Commons.
- E. The Solicitors and Clerks belonging to the Managers.
- F. Lord Lovat at the Bar, with the Lieutenant of the Tower on
his Right hand, and the Gentleman Jailer, with y^e Ax, on
his left.
- G. The Witness giving Evidence.
- H. The Prisoner's Council.
- I. Writer taking the Trial.
- K. The King's Box with a Velvet Chair, and Ladies on 6 Rows
of Benches.
- L. The Prince of Wales's Box, with Ladies Seated on 6 Benches.

- M. 1 Box with Benches for the Duke of Cumberland, Princesses,
and their Attendants, behind this Box was 3 Benches for
the use of the Lord High Steward's Family, and 1 Bench
for the Lord Chief Justice.
- N. The Box where Prince, Amelia Sat during y^e Trial.
- O. The Box for Foreign Embassadors.
- P. Peers and their Daughters on 4 Benches.
- Q. Seats for Peers' Tickets, besides these on the Side there were
9 Seats in front for the Peers' Tickets.
- R. The D. of Ancaster's Gallery at y^e South end of y^e Hall,
containing 17 Rows of Seats, holding 860 People. At the
North end was another Gallery belonging to the same Duke,
filling the whole space behind y^e Commons and the Benches
for Peers' Tickets.
- S. Gallery belonging to the Board of Works, and y^e Vice Chamberⁿ.
- T. The Earl of Oxford's Gallery.

N.B.—All the Seats were Cover'd, and Scaffolding hung with Red Bays, excepting where the House of Commons Sat, and that was cover'd
with Green Bays. Printed for Tho^s. Bowles in St. Paul's Churchyard, and John Bowles at y^e Black Horse in Cornhill.





THE COPPIN PLATES OF THE REBEL LORDS WHO WERE EXECUTED ON TOWER HILL 1346 & 1347







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